

Miscellanea Parliamentaria :
CONTAINING
PRESIDENTS

1. Of Freedom from *Arrests*.
2. Of *Censures*.

1. Upon such as have wrote *Books* to the dishonour of the *Lords* or *Commons*, or to alter the *Constitution* of the *Government*.
2. Upon *Members* for *Misdemeanours*.
3. Upon persons *not Members*, for *Contempts* and *Misdemeanours*.
4. For *Misdemeanours* in *Elections*.

Besides other Presidents and Orders of a various Nature, both of the House of
Lords and *Commons*.

With an APPENDIX,
Containing several Instances wherein the
Kings of *England* have consulted and advised with their *Parliaments*,

1. In *Marriages*.
2. *Peace* and *War*.
3. *Leagues*.

And other Weighty Affairs of the Kingdom.

By *William Petyt* of the *Inner-Temple*, Esq;

London, Printed by *N. Thompson*, for *T. Basset* at the *George*,
and *J. Wickins* at the *White Hart* in *Fleetstreet*. 1681.

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p512m

see p 215

Rec. Dec. 14, 1898

THE PREFACE.

I Have seen, saith *Stephen Gardiner*, Apud *Foxum*
(who was Dr. of Laws, Bishop of vol. 2. col. 3. & 4
Winchester, and after Lord Chan- The Bishop of
cellour of England,) the Councel *Winchester's*
much astonished, when the King would Letter to the
have done somewhat against an Act of Duke of *Somer-*
Parliament, It was made then a great jet, Protector
matter. The Lord *Cromwel* had once put to E. 6.
in the Kings (our late Sovereign Lords) *Plutarchus lib.*
Head, to take upon Him to have His cum Principi-
Will and Pleasure regarded for a Law, bus Philoso-
for that, he said, was to be a very King, phos debere
and thereupon I was call'd for at *Ham-* disputare. Qui
pton-Court; and as the Lord *Cromwel* semper corruptum
was very *Stout*; come on my Lord of *punt principes,*
Winchester, (quoth he,) for that conceit *Reges ac Ty-*
he had whatsoever he talked with me, rannos, nempe
he knew ever as much as I, *Greek*, or *Delatores Cri-*
Latine, and all. *minatores, &*
Adulatores, ab
omnibus exi-
guntur, puni-

unturq; ut qui non in unum Calicem lethale venenum mit-
tant, sed in fontem publicus scatentem, & quo vident om-
nes uti. Quemadmodum non uno supplicio dignus est, qui
fontem publicum, unde bibant omnes, veneno infecit ita no-
centissimus est, qui principis animum pravis infecerit opinionibus,
quæ mox in tot hominum permiciem redadent. Nam
si capite plectitur, qui principis monétam vitiat, quanto
dignior est eo supplicio, qui principis ingenium corruperit.

A

Answer

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Answer the King here, (quoth he) but speak plainly and directly, and shrink not man: Is not that (quoth he,) that pleaseih the King, a Law? Have ye not the Civil-Law therein? (quoth he) *Quod principi placuit*, and so forth, (quoth he,) I have somewhat forgotten it now: I stood still, and wondered in my Mind, to what Conclusion this should tend; The King saw me musing, and with earnest gentleness said, Answer him whether it be so or no? I would not answer my Lord Cromwel, but delivered my Speech to the King, and told him, I had read indeed of Kings that had their Will always received for a Law; but I told him the Form of his Reign, to make the Laws his Will, was more sure and quiet, and by this Form of Government ye be established (quoth I,) and it is agreeable with the Nature of your People; If ye begin a new manner of Policy, how it will frame no man can tell, and how this dent eos esse supra leges (& post aliqua.) Nunquam in Regnis & Civitatibus homines scelerati defuerunt, nec hodie desunt qui principes erroribus turbulentis iusficient, quibus illi quidem annumerandi sunt, qui cum se jure consultos existimari velint Regibus persuadent illos omnino solutos esse legibus:

fra-

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frameth ye can tell, and would never advise your Grace to leave a certain for an uncertain. The King turned his Back, and left the matter after; till the Lord Cromwel turn'd the Cat in the Pan, afore Company, when he was angry with me, and charged me as though I had played his part. This Tale is true, and not without purpose to be remembered.

So far the Bishops Letter.

And from it, and other passages in History, I shall raise four Observations.

That it was a general Rule and Principle in most great Ministers of State; or, as the old Word was, *Minions* to flatter and poison Princes minds with Absolute and Despotical Power; not for the Honour, or good of the Crown, for that can never be; but for their particular Advantages, that Themselves might Reign, and be Sovereigns over their Masters; And indeed, not only of our own Country, but of others: *Historians* are full of the sad and woful Effects thereof in most Ages; which makes me frequently revolve the melancholly Contemplation of *Cardan*;

Observ. I:

Inter fures scurras adulatores, constitutus est princeps a furibus bona diripuntur, a scurris mores corrumpuntur; Cardan lib. de utilitate ex adversis capienda cap. de Principis Incommo-
dis, p. 188.

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ut quisq; melior est ex aula abigitur, ab adulatoribus veritas, summum inter mortales bonum, ablegatur unde miseri principes propter has larvas, in Cimmeriis ignorantia tenebris perpetuo vivunt. O miseram principum sortem, qui nunquam norunt, quali in statu res sue posita sint, adeo vero aures principum emollita sunt, ut ad veritatis nomen tanquam ad Nili cataraclas absurdescant.

Observ. 2.

This *pestima* gens humani generis always abhorred a Parliament; and the reason thereof is *demonstrative*, because they well knew they should then be called to an impartial and strict account, and be *punished* according to their demerit: as *de facto* it appears, in the Cases of the Lord Cromwel, after Earl of Essex, and the Protector, the Duke of Somerset, (mentioned in the Bishop's Letter,) that they were questioned in Parliament; although possibly the proceedings *therein* against them were managed with too much *Violence* and *artifice*, by the *malice* and *policy* of their Enemies.

And no man, in all points, can justify the *acts* of all *Councils*, whether Ecclesiastical or Civil.

Rot. Parl. 32. H.
8. Act 60. The
Attainder of
the L. Cromwel

The first was *attainted* of High-Treason, in the Parliament, 32. H. 8. amongst other Crimes.

1. For

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1. For *Usurping* upon the Kingly Estate, Power, Authority, and Office.
2. For having the Nobles of the Realm in great disdain, derision and detestation.
3. And further also, being a person of poor and low degree, as few were within the Realm pretended to have so great a stroke about the King, that he lett it not, to say, publish and declare,

That he was sure of the King; which was detestable and to be abhorred amongst all good Subjects in a Christian Realm, that any Subject should enterprize to take upon him so to speak of his Sovereign, Leige, Lord, and King.

A dangerous Boast of any one Minister.

The *second* was in the Parliament, 3 Actus Parl. and 4 E. 6. Fined and Ransomed amongst other Offences.

An. 3, and 4. E. 6. no. 31.

1. For *desiring* the Rule, Authority and Government of the King and Realm by himself only, and getting the Protectorship.
2. That by his own Authority he did stay and lett Justice, and subverted the Laws as well by Letters Patents, as by his other Commandments.
3. He rebuked, checked and taunted

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as well privately as openly, *divers* of the *Privy Counsel*, for shewing and declaring their *advices* and opinions against his *purpose* in *weighty* Affairs, telling *them* they were unworthy to sit in Council: That he *needed* not to open matters to them, and that he would be otherwise *advised* thereafter; and if they agreed not with his *Opinion*, he would put them out, and take in others at his *Pleasure*.

4. That he had *held*, against the Kings *Laws*, in his own *House* a *Court* of *Requests*, and forced *divers* to answer for their *Free holds* and *Goods*, to the *subversion* of the *Law*.
5. That he had, without *Advice* of the *Counsel*, disposed of *Offices* for *Money*.
6. That he would not suffer *New-baven* and *Blackness* to be furnished with *Men* and *Viſuals*, although *advertized* of their *defects*; whereby the *French King* was comforted and encouraged to invade and win them, to the dishonour of the *Realm*.
7. And whereas the *Privy-Counsel* had out of their *Love* and *Zeal* for the *King* and *Realm*, consulted at *London* to come to the *Duke*, to move him charitably to *amend*, and reform his

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his *Doings* and *Mis-government*; he caused to be declared, (by *Letters* in divers places,) the *Lords* to be *Hig^h Traytors*, to the great disturbance of the *Realm*; And further declared, That the *Lords* endeavour'd to *destroy* the *King*, to the intent to make *Sedition* and *Discord* between the *King* and *Lords*.

8. The *Duke*, at *Hampton-Court* and *Windsor*, declared these *Speeches*, *The Counsell* at *London* do intend to *kill* me; But if I die, the *King* shall die with me; and if they *famish* me, they shall *famish* the *King*; and so conveyed the *King* suddenly in the *Night* to *Windsor*, whereby he got a *Disease*,

9. He *assembled* great numbers in *Arms*, and after, minding to fly to *Jersey* or *Wales*, laid *Post-Horses* about, and *Men* for the same *Intent*.

All which *Offences* and *Crimes* the said *Duke* acknowledged, and submitted himself to the *King*: After which passed the *Act*; That for his said *Offences* and *Crimes* he should forfeit a great many *Manors*, which the *Crown* had given him:

A remarkable Instance how Dangerous it is for one single Minister to have a Monopoly of the King.

To bring it to the Relation made by the *Bishop*, not without purpose to be re-

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remembered how dangerous a thing it was to break the Law, or an Act of Parliament. The Bishop thus further expresseth in the same Letter.

Observ. 3.

Apud Foxum, vol. 2d. Stephen Gardiner Bishop of Winchester, his Letter to the D. of Somerset, Protector to E. 6.

Now whether the King may command against an Act of Parliament, and what danger they may fall in that break a Law with the King's consent, I dare say no man alive at this day hath had more experience with the Judges and Lawyers then I; First I had experience in my old Master the Cardinal, who obtained his Legacy by our late Sovereign Lord's request at Rome, and in his sight and knowledge, occupied the same with his 2 Crosses and Maces born before him many years; yet because it was against the Laws of the Realm, the Judges concluded it the Offence of the premunire, which conclusion I bare away, and take it for a Law of the Realm, because the Lawyers so said, but my reason digested it not. The Lawyers, for confirmation of their doings, brought in a Case of the Lord Tiptoft, as I remember, a jolly Civilian; he was Chancellor to the King, who (because in the execution of the King's Commission he had offended the Laws of the Realm.) he suffered on Tower-Hill,) they brought in Examples of

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of many Judges that had *Fines* set on their *Heads* in like Case, for doing against the *Law of the Realm* by the *King's Commandment*, and then was brought in the *Judges Oath*, not to stay any *Process* or *Judgment* for any *Commandment* from the *King's Majesty*: And one *Article* against my Lord Cardinal was, That he had granted *Injunctions* to stay the *Common-Law*, and upon that occasion *Magna Charta* was spoken of, and it was made a great matter, the stay of the *Common-Law*; and this I learned in that Case, sithence that time being of the *Counsel*, when many *Proclamations* were devised against the *Carriers* out of *Corn*; at such time as the *Transgressors* should be punished, the *Judges* would answer it might not be by the *Laws*; whereupon ensued the *Act of Proclamation*, in the passing of which *Act* many liberal Words were spoken, and a plain *Proviso*, That by Authority of the *Act* for *Proclamation*, nothing should be made contrary to an *Act of Parliament*, or *Common-Law*.

When the *Bishop of Exeter* and his *Chancellour* were by one *Body* brought in a *premunire*, (which my Lord *Privy-Seal* cannot forget) I reason'd with the
Lord

Coke 4. Inst. fo.
89. Ld. Herbert
Hist. of H. 8.

Raft. Stat. 31.
H. 8. cap. 8.

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Lord Audley, then Chancellor, so far, as he bad me hold my peace, for fear of entring into a præmunire my self; whereupon I stayd, but concluded it seemed to me strange, that a man authorized by the King, (as since the King's Majesty hath taken upon Him the Supremacy, every Bishop is such a one,) could fall in a præmunire , after I had reason'd the matter once in the Parliament-House, where was free Speech without danger, and there the Lord Audley, to satisfie me familiarly (because I was in some secret estimation, as he then knew,) Thou art a good fellow, Bishop, quoth he, (which was the manner of his familiar Speech) look the Act of Supremacy, and there the King's doings be restrained to spiritual Jurisdiction: And in another Act it is provided, That no spiritual Law shall have place contrary to a common Law, or Act of Parliament; And if this were not, (quoth he) you Bishops would enter in with the King, and, by means of his Supremacy, order the Laity as ye listed; but we will provide (quoth he,) that præmunire shall ever hang over your Heads, and so we Lay-men shall be sure to enjoy our Inheritance, by the Common Laws, and Acts of Parliament.

My

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My fourth Observation is this,

It had been well for the *Protector* to *Observ. 4.*
have remembred the good and wholsom
Advice the *Bishop* gave him: that great
Man had not lost his *Head*; for being
indicted in *Michaelmas-Term*, 5. E. 6.
upon a Statute made 3 and 4 of that
King, For the punishment of unlaw- Rastal's 3, and
ful Assemblies, and raising of the Kings 4. E. 6. cap 5
Subjects: And one of the main points
in the indictment, was that *Felonice*
he designed to take and imprison *John*
Earl of *Warwick*, being one of the
Privy-Council; of which he was found Coke 3. Inst.
guilty by his Peers, and after suffered fo. 12.
Death thereupon.

To conclude whose sad Fate, I shall
add the Preamble of an Act of Parlia-
ment, more memorable, because in a
Subsidy Act; yet common in that, and
former, and succeeding Ages, as may
appear. For instances, *Rot. Parl.* 4.
H. 8. and by *Rastals Statutes*, 35. *H.* 8.
cap. 12, 27. 2, and 3. E. 6. cap. 26. 5. *Eliz.*
cap. 27. 8. *Eliz.* cap. 18. 23. *Eliz.*
cap. 15. 29. *Eliz.* cap. 8. 31. *Eliz.*
cap. 15. 35. *Eliz.* cap. 13. 39. *Eliz.*
cap. 27. 43. *Eliz.* cap. 18. and 3. *Ja-*
cobi, cap. 26. wherein the State of the
Kingdom, both *Ecclesiastical* and *Ci-*
vil,

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vil, and the *Transactions* of *Foreign Affairs* are Historically set down, and taken notice of by the *Parliament*, and inserted into the *Preambles* of thole *Acts*.

An A C T for the Grant of a Subsidy, and two Fifteens and Tenth, granted to the King's Majesty, by the Temporality.

Rastals Stat.
7. Ed. 6. cap.
12.

WH E the Kings Highness's most Faithful and Obedient Subjects, the Lords and Commons in this present Parliament assembled; Considering, and certainly perceiving, by divers means, the earnest Good-will and Purpose that our said Sovereign Lord hath to preserve, maintain and continue Us, his Natural Subjects, in this most Fortunate Peace, whereunto, after many Storms and Tempests of the Wars, His Majesty hath, by the Goodness of God restored Us; Do also, notwithstanding his Majesties great Care, and politick Means used for the recovery thereof, easily perceive how hard it shall be for His Highness to continue and keep us therein, during the time
of

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of this troublesom state of Christendom, being, as it were, lamentably cut, and torn in pieces, and Factions of War, except his Highness be restored to a further Estate and Furniture of Treasure, meet for the Defence of these His Realms, Dominions; And Subjects, and like to other Princes, having such large Realms, Dominions and People; the lack and want whereof, (as we know) shall chiefly redound to all our Losses and Detriments, which must be defended and preserved by the Puissant Power and Might of our Sovereign Lord and Head, not by the multitude of our private Riches and Strength at Home.

So also have We seen, of late years, plainly before Our Eyes, and felt in a great part of Our sorrowful hearts, the very Principal; Chief, and first Causes of this lack, during the time of the woful mis-governance of this Noble Realm, and other the King's Dominions, by the late Protector, Duke of Somerset (to whom Almighty God grant his Mercy,) who first of his insatiate ambition, contrary to the advices of all Wise and Good Counsellors, having gotten into his hands
the

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the sole Governance of the most Sacred Person of our Sovereign Lord, and consequently, the Protectorship of all his Highness's Realms and Dominions, immediately to lay a fit Foundation for his unhappy and unskilful Government, brought the King's Majesty (whom he took by pretence to Govern, being left by His Highness's Father, of most Famous Memory, in tender Years, (but yet in Peace) suddenly into open Hostility and Wars against two puissant Realms at once, considering neither the Ability to begin, nor means to continue them; wherein, following always his own singularity, by stirring and increasing of new Quarrels and Causes of War, by unadvised Invasions, by desperate Enterprises and Rapages, by sumptuous, endless, vain Fortifications, both in Foreign Realms, and in the Seas, by bringing into the Realm of costly, and great numbers of Strangers, Men of War, and such other innumerable vain Devices, he did not only Exhaust, and utterly Waste the King's Majestie's Treasures and Revenues of His Crown, and of us His Highness's Subjects, but also endangered His Majestie's Credit beyond

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you'd the Seas with divers strange Merchants, by taking up, and borrowing great Sums of Money, growing from time to time more and more indurable : which Gate of Misery being so wide open, We all know, and the best part of Us felt, what a heap of Calamities fell upon all the Realm immediately; Yea, and to this day what Presses and Memorys thereof remaineth not wholly yet filled up.

First, the King's Majesties Treasure of all sorts wasted, the great substance of the Moneys melted, and altered in base Coyn, for the serving of the Charge of these Wars, the Laws and ancient Policies of this noble Realm dissolved and unjoyned, and by Examples thereof, the whole state of Ireland endangered, with Factions and Rebellions, wherein no small Sums of Treasure were also wasted in Armies and Fortifications, part whereof remains unto this day of necessity. In the midst of all these miseries, by the suffering of the said late Protector, rose up a monstrous and dangerous Rebellion of the lewd numbers, and baser multitudes against their Heads; the withstanding and happy stay whereof, although it came through the
merci-

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mercifulness of God, by the labour and fortitude of others, worthy eternal Praise, subduing the headless raging people in sundry parts of the Realm, delivering Us, the King's Majesties Natural Subjects, out of our unnatural Subjection to him that ruled Us with disorder, And finally, restoring the Royal Person of the King's Highness to the Freedom of His Princely Estate, and consequently to an Honourable Peace with his Enemies.

Yet could not, hitherto, the great Breach and Ruine of the King's Majestie's Estate, touching his Treasure, be repaired or re-enforced; which consequently followed upon the first Foundations broken; although in other points of the decay (thanked be God) the King's Majesties own marvellous Intelligence, with the Industry of good Connellors, hath notably supplied, and amended the defaults.

And as these former Errors brought His Majesty into utter wants of His own Treasure and Riches into the Expences of Our Subsidies, granted for the same Wars, though nothing answerable to the Expence of the same;
Finally

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Finally, into notable and immeasurable Charges beyond the Seas, Provisions of Money taken up in time of Wars; so yet, to the increase of this former soze, We remember and perceive also, that there were very great Charges left by the late King of famous Memory, by reason of his Wars, to be discharged, as well beyond Sea towards strangers, as on this side towards his own Subjects; which of their nature beyond the Seas for lack of payment did grow excessively, besides the late evident great Charge and Loss sustained by the Kings Majesty for the only Profit of His publick Weal, in the reducing of part of His Coyne from a notable baseness unto a fine Standard; by the which His Majesty lacketh a great private Gain in his Mints, being now worth no Revenue at all, but rather chargable; and the rest of which Coyne we trust He will shortly reduce to like fineness.

All which things We His Majesties Faithful, and natural Loving Subjects, weighing with Our selves, and considering divers great weighty matters hereupon depending, for the preservation of this Ancient, Noble, and Imperial Crown.

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Albeit We see manifestly before Our Eyes, Our Sovereign Lord the Kings Majesty disposed of His good Nature rather daily to diminish the Revenue of His Crown, lately augmented by His Father of most famous Memory, towards the unburthening of His great intollerable Weights and Charges, lying and growing in Strangers hands beyond the Seas, then to call upon us His natural Subjects and People; like as we daily hear and know that all other most Christian Princes do, in Causes of less Importance, and like His Majesties noble Progenitors, have always done in such Cases heretofore.

Yet for the preservation of Our selves and Our Posterity in this Peace and Wealth whereunto We have by the great Charges of Our Sovereign Lord been blessed, brought, for the maintenance and upholding of the Crown and Dignity Imperial of this Noble Realm, in Honour and Might against the Attempts of Foreign and Ancient enemies, for the Restauration of this Envyed House of the Commonwealth, decaying suffer'd violation and ruine, by having Justice in the former time of the exile and evil Governance. For the
afore^a

com.

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comforting and encouraging of our most Christian King in His blessed and famous Purposes and Proceedings, to the establishing both of true Christian Religion, in this His Church of *England and Ireland*, and of a Christian Policy in the civil State of the same, &c. and after they granted the Subsidies.

It is far from my thoughts to delight in raking into the *misfortunes* of any, much less of *great* men; but in all Ages it hath been *allowed* to publish the *Memoirs* of ill men, to the intent to *deter* Posterity from acting and committing such *Crimes* and *Offences*, which we find were severely punished both by *God* and *Men*.

And whoever will take the pains to run over the *ancient* Historians and *Records* of the Kingdom, will find that the *Troubles* in *Richard* the 1st's time, the Barons Wars, the Confusions in *E. 2^d*'s time, the woful Distractions in the Reign of *R. 2.* and *H. 6.* had their source and rise from one *grand* Cause, the *extravagant* and *insufferable* Dominion and Power of *Minions* or *Favourites*, with their *Partisans*, which *K. James* rightly calls *Pests* and *Vipers* of a *Commonwealth*; who, notwithstanding their

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spetious glosses and pretences of Loyalty to the *Crown*, rather then suffer themselves to be questioned and punished by Law for their Arbitrary and Illegal Acts, Resolved to run the hazard of, and see the ruine and destruction both of *Prince* and *People*.

Out of a Paper in the hands of my good Friend Mr. *John Rawley*, whom King *James* had then newly made a Worthy Citizen of *London*, Nephew and Executor to Dr. *Rawley*, first and last Chaplain to the L. *Bacon*. My Lord *Bacon*, after he was Sentenced in *Parliament*, meeting with Sir *Li. onel Cranfield*, after Earl of *Middlesex*, My Lord *Bacon*, having first congratulated his advancement to so Eminent a Place of Honour and Trust, told him, between jest and earnest, That he would recommend to his Lordship, and in him to all other great Officers of the *Crown*, one considerable Rule to be carefully observed, which was, to

My Lord *Bacon's* Memento.

Remember A Parliament will come.

I do not believe that his Lordship had the Spirit of Divination; But certain it is, that two years after, in the *Parliament* 21. and 22. of that King, the *Commons* Impeached the *Earl*; for what, and what the Judgement was thereupon, hear the Record.

Mess-

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Messuage sent to the *Commons* by
Mr. Serjeant *Crew*, and Mr. *At-*
torney General, viz.

Ex Journali
Domus Proce-
rum, Annis 21,
and 22. *Jaco-*
bi Regis.

*That the Lords are now ready
to give Judgment against the
Lord Treasurer, if they, with their
Speaker will come, and demand
the same.*

Answered,

They will attend presently:

The *Lords* being all in their *Robes*,
the Lord *Treasurer* was brought to the
Bar by the Gentleman *Usher* and the
Serjeant at Arms, his *Lordship* made
low obeysance, and kneeled, until the
Lord *Keeper* willed him to stand up.

The *Commons* with their *Speaker*
came, and the Serjeant attendant on the
Speaker presently put down his *Mace*.
The *Speaker* in their Name, to this
Effect, viz.

The Knights, Citizens and Bur-
gessees in this Parliament assem-
bled, heretofore transmitted unto
Your

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Your Lordships several Offences against the Right Honourable Lionel Earl of Middlesex, Lord High Treasurer of England, for Bribery, Extortion, Oppressions, and other grievous Misdemeanours, committed by his Lordship.

And now the Commons, by me their Speaker, demand Judgment against him for the same.

The Lord Keeper Answered.

The High-Court of Parliament doth adjudge,

- 1. That Lionel Earl of Middlesex, now Lord Treasurer of England, shall lose all his Offices which he holds in this Kingdom; and shall be made for ever incapable of any Office, Place or Employment in the State, and Commonwealth.*
- 2. And that he shall be Imprisoned in the Tower of London during the Kings pleasure.*
- 3. And that he shall pay unto our Sovereign Lord the King the Fine of 50000 l.*
- 4. And that he shall never sit in Parliament more.*
- 5. And that he shall never come within the Verge of the Court.*

Or

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Ordered, *That the Kings Coun-* 14 Maii 1624
sel draw a Bill (and present the
same to the House,) to make the
Lands of the Earl of Middlesex
liable unto his Debts, unto the Fine
to the King, unto Accompts to the
King hereafter, and to Restitution This Bill after
to such whom he had wronged, pass'd unto a
as shall be allowed of by the House. Law.

So that the familiar saying of my
Lord Coke is very remarkable ; *That*
no Subject, (though never so Potent and
Subtile,) ever confronted or justled with
the Law of England, but the same Law
in the end infallibly broke his Neck.

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THE
CASE
OF

George Ferrers, Esq;

IN the Lent Season, whilst the Parliament yet continued, one *George Ferrers* Gent. Servant to the *King*, being elect a *Burges*s for the Town of *Plymouth*, in the County of *Devon*, in going to the *Parliament-house* was Arrested in *London* by a Process out of the *Kings-Bench*, at the Suit of one *White*, for the sum of two hundred Marks, or thereabouts, wherein he was late aforecondemned as a Surety for the

B Debt

Cromptons Jurisdiction of Courts, p. 7, 8, 9, 10, 11. 34 H. 8. An. Dom. 1542. Breach of Priviledge.

Ferrers arrested going to the Parl. house.

The Serjeant of
the Parliament
sent to the
Compter for
him.

And demands
the Prisoner.

But the Offi-
cers deny him.

And assault the
Serjeant.

Breaks the
Crown of the
Mace, & strikes
down his Man.

Debt of one *Welden* of *Salisbury* ;
which Arrest being signified by
Sir *Thomas Moyle* Kt. then Spea-
ker of the *Parliament*, and to
the *Knights* and *Burgesses* there,
order was taken that the *Serjeant*
of the *Parliament*, called *S. J.*
should forthwith repair to the
Compter in *Breadstreet*, whither
the said *Ferrers* was carried, and
there to demand delivery of the
Prisoner. The *Serjeant*, as he had
in charge, went to the *Compter*,
and declared to the *Clerks* there,
what he had in commandment:
But they and other Officers of the
City were so far from obeying the
said Commandment, as after ma-
ny stout words, they forcibly re-
sisted the said *Serjeant*, whereof
ensued a Fray within the *Compter-*
gates, between the said *Ferrers*
and the said *Officers*, not without
hurt of either part ; so that the
Serjeant was driven to defend
himself with his *Mace of Armes*,
and had the *Crown* thereof broken
by

by bearing off a stroke, and his Man stricken down. During this *Brawl* the Sheriffs of *London*, called *Rowland Hill* and *H. Suckley*, came thither, to whom the *Serjeant* complained of this injury, and required of them the delivery of the said *Burgess* as afore: but they bearing with their Officers, made little account either of his *Complaint*, or of his *Message*, rejecting the same contemptuously, with much proud language: So as the *Serjeant* was forced to return without the *Prisoner*, and finding the *Speaker* and all the *Knights* and *Burgesses* set in their places, declared unto them the whole *Cause* as it fell out; who took the same in so ill part, that *They* all together (of whom there was not a few as well of the *Kings Privy-Council*, as also of his *Privy-Chamber*) would sit no longer without their *Burgess*, but rose up wholly, and repaired to the *Upper House*, where the whole case was declared.

Complains of it to the Sheriffs, and demands the Prisoner.

Who contemptuously reject the same.

The Serjeant returns and acquaints the House.

Who highly resent it.

It was ordinary for either House, upon emergent occasions, to give an account to each other, as in the time of R. 2. H. 6. H. 8. E. 6. & Queen Mary, the great Officers of State, as the Chancellor, Treasurer, &c. went down to the House of Commons to give them particular accounts.

The Ld. Chancellor in Parliament offers the Commons a Writ to deliver their Burgesses, but they refuse it, as being clear of opinion, that all their Commandments & Acts were to be done and executed by their Serjeant, without Writ.

red by the mouth of the *Speaker*, before Sir *T. Audley* Kt. then Lord Chancellor of *England*, and all the Lords and Judges there assembled; who judging the *Contempt* to be very great, *referred* the punishment thereof to the *Order* of the *Common House*. They returning to their places again, upon new debate of the *Case*, took order that their *Serjeant* should eftsoon repair to the Sheriffs of *London*, and require delivery of the said Burgesses, without any *Writ* or *Warrant* had for the same, but only as afore. Albeit the *Lord Chancellor* offered there to grant a *Writ*, which they of the *Common House* refused, *being in a clear opinion that all Commandments and other Acts proceeding from the Nether House, were to be done and executed by their Serjeant, without Writ, only by shew of his Mace, which was his warrant*. But before the *Serjeants* returned into *London*, the *Sheriffs* having

intelligence how heinously the matter was taken, became somewhat more mild; so as upon the said second demand, they delivered the *Prisoner* without any denial. But the Serjeant having then further in commandment from those of the *Nether House*, charged the said Sheriffs to appear personally on the morrow by eight of the Clock, before the *Speaker* in the *Nether House*, and to bring thither the *Clerks* of the *Compter*, and such other of their *Officers* as were parties to the said affray; and in like manner to take into his custody the said *White*, which wittingly procured the said Arrest, in contempt of the Priviledge of the *Parliament*. Which Commandment being done by the said Serjeant accordingly, on the morrow the two Sheriffs, with one of the *Clerks* of the *Compter*, (which was the chief occasion of the said affray) together with the said *White*, appeared in the *Com-*

The Sheriffs ordered to appear, and bring with them the Clerks of the Compter.

And accordingly they did.

Who are charged by the Speaker.

Being not admitted to any Council.

The Sheriffs committed to the Tower.

The Clerk to Little Ease, and the Serjeants to Newgate.

All at last delivered upon the humble suit of the Mayor, and other their Friends.

mon House, where the *Speaker* charging them with their *Contempt* and misdemeanour afore-said, they were compelled to make immediate Answer, without being admitted to any Council: albeit Sir *Ro. Cholmley*, then Recorder of *London*, and other the *Council* of the City there present, offered to speak in the Cause, which were all put to silence, and none suffered to speak but the parties themselves. Whereupon in conclusion the said *Sheriffs*, and the same *White*, were committed to the *Tower* of *London*, and the said *Clerk* (which was the occasion of the Fray) to a place there called *Little Ease*, and the Officer of *London* which did the Arrest, called *Tailor*, with four Officers, to *Newgate*, where they remained from the 28. until the 31. of *March*, and then they were delivered, not without *humble suit* made by the *Mayor* of *London*, and other their Friends. And for-

forasmuch as the said *Ferrers* being in *Execution* upon a *Condemnation* of Debt, and set at large by *Priviledge* of *Parliament*, was not by *Law* to be brought again into *Execution*, and so the party without remedy for his Debt, as well against him, as his principal debtor; after long debate of the same, by the space of nine or ten days together, at last they resolved upon an Act of Parliament to be made, and to revive the *Execution* of the said Debt against the said *Welden*, which was principal debtor, and to discharge the said *Ferrers*. But before this came to pass, the *Common House* was divided upon the Question, but in the conclusion the Act passed for the said *Ferrers*, who won by 14. Voices. The *King* then being advertized of all this proceeding, called immediately before him the *Lord Chancellor of England*, and his *Judges*, with the *Speaker* of the *Parliament*, and

The King takes notice of the proceedings.

other the *gravest* persons of the *Nether House*, to whom he *declared* his *opinion* to this effect:

The King in the presence of the Chancellor & Judges, with whom he had consulted before of this matter, commends and approves the proceedings of the Commons.

First *commending* their *wisdom* in *maintaining* the *Priviledges* of their *House*, (*which he would not have to be infringed in any point*) alledged that he being *Head* of the *Parliament*, and attending in his own person upon the Business thereof, ought in reason to have *Priviledge* for *Him* and all his *Servants*, attending there upon *Him*; so that if the said *Ferrers* had been no *Burges*s, but only his *Servant*, that in respect thereof he was to have the *Priviledge* as well as any other: For I understand (quoth he) that you not only for your own persons, but also for your necessary *Servants*, even to your *Cooks* and *Horse-keepers*, enjoy the said *Priviledge*: in as much as my *Lord Chancellor* here present hath informed us, that he being *Speaker* of the *Parliament*, the *Cook* of the

Here the King from the mouth of the Lord Chancellor, declares the ancient priviledge of the Commons, even for their menial *Servants*, and gives an instance in the *Cook* of the *Temple*.

the *Temple* was Arrested in *London*, and in Execution upon a Statute of the Staple: And forasmuch as the said *Cook*, during the Parliament, served the *Speaker* in that Office, he was taken out of Execution by the *Priviledge* of the *Parliament*. And further, we be informed by our *Judges*, that we at no time stand so highly in our *Estate Royal*, as in the time of *Parliament*; wherein *We* as *Head*, and *You* as *Members*, are conjoynd and knitt together into *one Body politick*: so as whatsoever offence or injury (during that time) is offered to the meanest *Members* of the *House*, it is to be judged as done against *Our Person*, and the whole *Court of Parliament*: which Prerogative of the Court is so great (as our learned Councel informeth us) as all Acts and Processes coming out of any other Inferiour Courts, must for the time cease and give place to the Highest. And touch-

The King Head, and the Lords and Commons Members of the High Court of Parliament, in which he stands highest in his Royal Estate.

The Court of Parliament.

Nota, All Acts and Processes coming out of any inferiour Court, must cease and give place to the Highest.

ing

ing the party, it was a great *presumption* in him, knowing our Servant to be one of this House, and being warned thereof before, would nevertheless prosecute this matter out of time, and therefore was well worthy to have lost his Debt, which I would not wish, and therefore do commend your *Equity*, that having lost the same by *Law*, have restored him to the same against him who was his *Debtor*: and this may be a good example to others, not to attempt any thing against the *Priviledge* of this *Court*, but to take the time better. Whereupon Sir *Edward Mountague*, then Lord Ch. Justice, very gravely declar'd his opinion, confirming by divers reasons all the *King* had said, which was *assented unto* by all the residue, none speaking to the contrary. The *Act* indeed passed not the Higher

Sir *Edward Mountague*
Chief Justice
of *England*,
who we cannot
believe to be
misconusant of
the ancient
proceedings in
Parliament,

and of the Priviledge of the House of Commons, together with the rest of the Judges, by Reasons which wanted not Authorities, confirmed what the King had said.

House,

House, for the Lords had not time to consider of it, by reason of the Dissolution of the Parliament.

Because this Case hath been diversly reported, as is commonly alledged, as a President for the Priviledge of the Parliament, I have endeavoured my self to learn the truth thereof, and to set it forth with the whole circumstances at large, according to their instructions who ought best both to know and remember it.

4. *Ed. VI.* Eight years after the Case of *Ferrers*, *Withrington* having made an Assault upon *Brandling*, Burgeſſs for *Newcastle*; the Parl. being near an end, the Com. sent *Withring*: to the Councel.

Journal Dom.
Com. 4. Ed. VI.

Die 7ov. 7. Apr. an. pradiēt. The Bill for Mr. *Brandling*'s Complaint, sent from the Lords of the *Privy Councel* again, to be ordered by this House according to the Antient Custom of this House: Whereupon the Bill was read in the presence of *Henry Witherington*, who was sent to the Lords from this place; who confessed that he began the Fray upon Mr. *Brandling*: whereupon the said *Henry* is committed to the *Tower of London*.

Some

*Some few Presidents against such
as have wrote Books to the dis-
honour of the Lords and Com-
mons, and Subversion of the
Government.*

The Case of Arthur Hall Esq;

Journ. Dom.
Com. 14 Eliz.
17 Maii, Anno
Dom. 1571.
Misdemeanors
of a Member
of the House
of Commons,
for sundry lewd
speeches as well
in the House,
as abroad.

Ordered that
those who
heard them, to
put them in
writing, and
deliver them
to the Speaker.

UPon sundry Motions made
by divers of this House; *It*
was *Order'd* that *Arthur Hall Esq;*
for sundry *Lewd Speeches*, used as
well in this *House*, as also *abroad*
elsewhere, shall have *warning* by
the *Serjeant* to be here upon *Mon-*
day next; and at the *Bar* to an-
swer such things as He shall then
and there be *charged* with. And
it was further *Ordered*, that all
such Persons as have noted his
words, either in this House, or
abroad, do forthwith assemble in
the Chamber above, and put the
words in writing; and afterwards
deliver them to Mr. *Speaker*, to
the

the end he may charge the said *Hall* upon *Monday* next.

This day *Arthur Hall* Esq; being brought by the *Serjeant* to the Bar, and charged by the House with Seven several Articles, humbly submitted himself to the House, and humbly confessed his folly, as well touching the said Articles; as also his other fond and unadvised Speech at the *Bar* : And was upon the Question remitted, with a good Exhortation given him by Mr. *Speaker* at large.

Mond. 19 Febr.
Mr. *Hall* appears, and is cleared.

Humbly confesseth his folly.

And is remitted by the House.

The

*The Case of Smalley, Servant to
Mr. Arthur Hall, Burgess for
Grantham.*

*And the Case of Kirtleton, Hall's
Schoolmaster.*

Journal. Dom.
Comm. Anno
18. Eliz. 16.
Feb. A.D 1575.
Breach of Pri-
viledge, Confe-
deracy, and
Contempt.

MR. Lieutenant of the Tow-
er, Sir Nicholas Arnold,
and Mr. Serjeant Lovelace, were
appointed to examine the Matter
touching the Arrest of Mr. Hall's
Servant, before Mr. Speaker, at
his Chamber this Afternoon.

Friday 18. Feb.

Upon the *Question*, and also
upon the division of the House it
was Ordered, that *Edward Smalley*
Yeoman, Servant unto *Arthur Hall*
Esq; one of the *Burgesses* for *Gran-*
tham, shall have *Priviledge*.

Munday 27.
Feb.

Smalley to be
brought to the
House by the
Mace, and not
by Writ.

After sundry *Reasons* and *Ar-*
guments, it was Resolved, that
Edward Smalley, Servant unto
Arthur Hall Esq; shall be brought
hither by the *Serjeant*, and set at
liberty by the *Warrant* of the
Mace, and not by *Writ*.

Edward

Edward Smalley, Servant unto *Arthur Hall Esq*; being this day brought to the *Bar* in this House by the *Serjeant* of the House, and accompanied with two *Serjeants* of *London*, was presently delivered of his *Imprisonment* and *Execution*, according to the former *Judgement* of this House, and the said *Serjeants* of *London* discharged of their said *Prisoner*; and immediately after that the said *Serjeants* of *London* were sequestred out of this House, and the said *Edward Smalley* was committed to the Charge of the *Serjeant* of this House; and thereupon the said *Edward Smalley* was sequestred, till this House should be resolved upon some former *Motions*, whether the said *Edward Smalley* did procure himself to be arrested upon the said *Execution*, in the abusing and contempt of this House, or not.

Tuesday 28.
Feb.

Smalley brought to the Bar, was presently delivered out of Execution.

1. Upon the *Question* it was Ordered, that Mr. *Hall* be sequestred

Wednesday
7. March post
Meridiem.

Mr. Hall, Smalley's Master, withdraws.

sted the House; while the Matter touching the supposed Contempt done to this House be argued and debated.

Smalley adjudged guilty of a Contempt against the House, for fraudulently procuring himself to be arrested.

Edward Smalley upon the Question was adjudged guilty of the Contempt, and abusing of this House by fraudulent practice, of procuring himself to be arrested upon the Execution, of his own assent and intention, to be discharged as well of his Imprisonment, as of the said Execution.

Kirtleton in confederacy with him.

Matthew Kirtleton, Schoolmaster to Mr. Hall, was likewise upon another Question adjudged guilty by this House of like Contempt, and abusing of this House, in confederacy and practice with the said Smalley in the intentions aforesaid.

Smalley to be committed to the Tower for his Misdemeanor and Contempt.

2. Upon another *Question* it was adjudged by the *House*, that the said Smalley be for his *Misdemeanor* and *Contempt* committed to the Prison of the *Tower*.

3. Upon the like *Question* it was

was also *adjudged* by this *House*, that the said *Kirtleton* Schoolmaster, be also for his *lewd Demeanor* and *Contempt* in *abusing* of this *House*, committed to the *Prison* of the *Tower*.

The like Judgment for *Kirtleton*.

4. Upon another *Question* also it was *Resolved*, that the *Serjeant* of this *House* be commanded to bring the said *Edward Smalley*, and the said *Matthew Kirtleton*, Schoolmaster to Mr. *Hall*, into this *House*, to morrow next in the forenoon, to *hear* and *receive* their said *Judgements* accordingly.

Both to be brought into the *House*, to receive their *Judgements*.

5. And further, that the *Matter* wherein the said *Arthur Hall* is supposed to be touched, either in the *privity* of the said *Matter* of *Arrest*, or in the *abusing* of the *Committees* of this *House*, shall be deferred to be further dealt in till to morrow.

Mr. *Hall's* *privity* in the *Matter* to be referred to a further *Debate*.

The *Bill* against *Arthur Hall* Esq; *Edward Smalley*, and *Matthew Kirtleton* his *Servant*, was read the first time.

Saturday 10. March.

C

Edward

The Speaker
pronounced
Judgement up-
on *Smalley*.

Edward Smalley, Servant unto *Arthur Hall Esq;* appearing in this House this day at the *Bar*, it was pronounced unto him by Mr. *Speaker*, and in the Name, and by the Appointment and Order of this House, for execution of the former Judgement of this House awarded against him, That he the said *Edward Smalley* shall be forthwith committed Prisoner from this House to the Tower of *London*, and there remain for one whole month next ensuing from this present day; and further, after the same month expired, until such time as good and sufficient assurance shall be had and made, for payment of one hundred pounds of good and lawful money of *England*, to be made unto *William Hewet*, Administrator of the Goods, Chattels and Debts of *Melchisedeck Mallory* Gent. deceased, upon the first day of the next Term, according to the former Order in that behalf by
this

this House made and set down,
and also 40 s. for the *Serjeant's*
Fees; the notice of which assu-
rance for the true payment of the
said one hundred pounds in form
aforesaid, to be certified unto
Mr. Lieutenant of the *Tower*, by
Mr. Recorder of *London*, before
any delivery or setting at liberty
of the said *Edward Smalley*, to
be in any wise had or made at any
time after the expiration of the
said month as is aforesaid, and
that he shall not be delivered out
of Prison before such notice cer-
tified, whether the same be be-
fore the said first day of the next
Term, or after.

*The 2d. Case of Arther Hall Esq;
a Member of Parliament.*

Saturd. 4. Feb.
An. 23. *Eliz.*
Journ. Dom.
Com.
Mr. Hall's
Charge for
writing a Book
derogatory to
the Authority,
Power and State
of the Com-
mons House of
Parliament.

UPon a *Motion* made unto this *House* by Mr. Norton, in which he declared that *some* person of late had caused a *Book* to be set forth in *print*, not only *greatly reproachful against some particular good Members of this House of great credit, but also very much slanderous and derogatory to the general authority, power and state of this House, and prejudicial to the validity of the proceedings of the same, in making and establishing of Laws, charging this House with drunkenness, as accompanied in their Councils with Bacchus; and then also with Choler, as those which had never sailed to Anticyra, and the proceedings of this House to be Opera tenebrarum. And further, that by the circumstance of the residue of the discourse of the said Book, he conjectured the same*

same to be done and procured by Mr. *Arthur Hall*, one of this *House*, and so *prayed* that thereupon the said Mr. *Hall* might be called by this House to *Answer*, and the matter further to be duly *examined*, as the *weight* thereof in due *consideration* of the *gravity* and *wisdom* of this *House*, and of the *authority*, *state* and *liberty* of the same, *requireth*. It is *Resolved*, That the said Mr. *Hall* be forthwith sent for by the *Serjeant at Arms* attending upon this *House*, to make his *appearance* here in that behalf accordingly.

Mr. *Hall* ordered to be sent for by the Serjeant at Arms

And then immediately Mr. *Secretary Wilson* did thereupon signify unto this House, that the said Mr. *Hall* had upon his Examination therein before the *Lords* of the *Council*, heretofore confessed in the hearing of the said Mr. *Secretary*, that he did cause the said *Book* to be *printed* indeed. Upon relation whereof, and after some speech then also

uttered unto this House by *Mr. Chancellor of the Exchequer*, of the *dangerous* and *lewd Contents* of the said *Book*, the *Serjeant* was forthwith by *Order* sent to apprehend the said *Arthur Hall*, and was presently assisted for that purpose with *Sir Thomas Scot* and *Sir Thomas Brown*, by the appointment of this House.

Two Knights,
Members of
the House, to
assist the Serjeant.

A Commission
to a Committee
to send for the
Printer, and to
examine the
Matter.

A Commission was then also given by this whole House, unto *Mr. Vice-chamberlain*, *Mr. Chancellor of the Exchequer*, *Mr. Secretary Wilson*, *Mr. Treasurer of the Chamber*, *Sir Henry Lee*, *Sir Thomas Cecil*, *Sir William Fitzwilliams*, and *Sir Henry Gate*, to send for the *Printer* of the said *Book*, and to examine him touching the said matter, and afterwards to make Report thereof to this House accordingly. And also to take order and advise further for the sending for, and apprehending of the said *Arthur Hall*, if it should so fall out that he did withdraw him-

To report to
the House, and
to take order
for *Hall's* Apprehension.

himself, or *depart* out of *Town* before such time as the said *Serjeant* could find him: with this further *Resolution* also, *That any such Member of this House, as should happen first to see him, or meet him, might, and should in the name of the whole House stay him, and bring him forth to answer the said matter forthwith before the whole House, with all possible speed.*

And if any Member should see him, to stay him, and bring him to the House.

Mr. Secretary *Wilson* declaring the travel of the *Committees* in examining of the *Printer* that did print Mr. *Halls* Book, signified unto this House, that the said *Printer* (whose name is *Henry Bynnyman*) upon his *Examination* before the *Committees* said, that one *John Wells* a *Scrivener* in *Fleetstreet*, did deliver a *Copy* to him; and when the *Book* was printed, he delivered one *Book* to *Henry Shirland* in *Friday-street*, *Linen-draper*, to be sent to Mr. *Hall*; and that afterwards about a year past, he delivered to Mr.

Munday 6 Feb.
Mr. Secretary *Wilson* reports the Examination of *Hall's* Case from the Committee.

Hall six of the said *Books*, and one more to Mr. *Halls* man shortly after ; and said, that Mr. *Hall* promised to get him a *priviledge*, whereupon he adventured (he saith) to print the *Book* : and saith, that the Copy was written by *Wells* the Scrivener, and that he received of the said *Shirland* Linen-cloth to the value of 6 l. 13 s. 4 d. for printing the said *Book*, and that he staid of his own accord the publishing of the said *Books*, till he was paid : whereas Mr. *Hall* was contented they should have been put to sale presently. Which *Report* so made by Mr. *Treasurer*, and withall that Mr. *Hall* and the *Printer* were both then at the door, the said Mr. *Hall* was thereupon brought to the *Bar*, and being charged by Mr. *Speaker* in the behalf of the whole *House*, with the setting forth of the said *Book*, containing very lewd and slanderous reproach not only against some particular Members

Hall appears, and was called to the Bar, where he was charged by the Speaker with his Offence.

bers of this House, but also against the general Estate and Authority of this whole House.

Hall denied not the setting forth of the said Book, protesting the same to be done by him without any malicious intent or meaning, either against the state of this House, or against any Member of the same; praying this whole House (if he had offended in so doing) they would remit and pardon him; affirming with all very earnestly, that he never had any more then one of the said Books; and upon due consideration had of his own rashness and folly therein, willed that all the said Books should be suppressed. Then was Mr. Hall sequestred.

Henry Bynnyman the Printer was brought to the Bar, who affirmed in all things as Mr. Secretary Wilson before reported, and further that he had 80 or 100 of the said Books; and was thereupon sequestred.

The Printer brought to the Bar.

Henry

And *Shirland*,
who was exam-
ined.

Henry Shirland was brought to the *Bar*, who there *confessed*, that *Mr. Hall* did write a Letter unto him, and sent the said *Book* unto him, willing him to get it *printed*; and thereupon he delivered the said *Book* to *Bynnyman*, to have it *printed*, *Wells* the *Scrivener* then being present with him; and said further, that *Mr. Hall* had paid him again the 20 Nobles which he before had paid the Printer; and so he was then *sequestred*.

And *Wells*, who
was also exami-
ned.

And the said *Wells* brought to the *Bar* upon his Examination, *saith*, that when he was Apprentice with one *Mr. Dalton* a *Scrivener* in *Fleetstreet*, the said *Mr. Hall* then lying about *Paul's Wharfe*, sent unto his said Master to send one of his men unto him, and that thereupon his said Master sent him unto the said *Mr. Hall*, who when he came, *delivered* unto him a *Book* in written-hand, willing him to carry it home with him,

him, and copy it out, and said, that when he had shewed it to his Master, his Master commanded him to write part of it, and his fellows some other part of it, and his said Master (as he remembreth) did write the rest of it, but what his said Master had for the writing of it, he knoweth not. And being further examined, saith, that yesterday last past he delivered one of the said Books to Sir *Randal Brierton*, from the said Mr. *Hall*. And then the said *John Wells* was sequestred.

And afterwards all the *Privy-Council* being of this House, Mr. Knight-Marshal, Mr. Recorder of *London*, Mr. Serjeant *Flowerdew*, Mr. Serjeant *St. Leiger*, Mr. *Crumwell*, Mr. *Atkins*, the Master of the Jewel-house, Sir *Thomas Scot*, Sir *Thomas Brown*, Mr. *Nathaniel Bacon*, Mr. *Beale*, Mr. *Norton*, and Mr. *Alford*, were added to the former Committees for the further proceeding to Examination of

A Committee appointed to examine further the whole Matter.

of the matter touching Mr. *Hall*, the *Printer*, the *Scrivener*, and all other persons, *parties* or *privy* to the *publishing* of the said *Book*, set forth in print by the means and procurement of the said Mr. *Hall*, and to meet upon *Wednesday* next at two of the Clock in the afternoon, in the *Exchequer Chamber*.

M. *Hall* brought to the Bar again, and committed to the Serjeant to attend the Committee.

Which done, Mr. *Hall* being brought to the *Bar* again, Mr. *Speaker* declareth unto him, that this House mindeth further to examine the particularities of the matter, wherewith they have charged him, and do therefore order him to the *Serjeants* ward, with this liberty, That upon *Wednesday* next in the afternoon, being accompanied with the *Serjeant*, he may attend at the *Exchequer Chamber* upon the Committees in the Cause: And was thereupon had out of the *House*.

Bynnyman, *Wells*, and *Shirland*, ordered

Henry Bynnyman the *Printer*, *John Wells* the *Scrivener*, and *Henry*

Henry Shirland Linen-draper, being brought all three to the *Bar*, were by *Mr. Speaker* enjoined in the name of the whole House, to give their attendance upon the said *Committees* at the time and place aforesaid, and also at all times in the mean season thereof, if they shall happen to be called by them, or any of them: And so were had out of the *House*.

likewise to attend the Committee.

And further it is *Ordered* by this House, That *Mr. Speaker* do send the Serjeant for *John Dalton*, late Master of the said *John Wells*, and to charge him also to attend upon the said *Committees*, at the said time and place in like manner.

Dalton also ordered to attend

Mr. Vice-Chamberlain for himself and the residue of the *Committees*, appointed to examine *Mr. Hall*, the Printer, the Scrivener, and all other persons privy to the setting forth and publishing of the Book, declared, that they had charged the said *Mr. Hall* with

Tuesd. 14 Feb. Another Report from the Committee against *Hall*, of new Contempts and Crimes added to his former.

with Contempt against this House the last Session, in that being enjoined by this House to appear, he departed out of Town, in contempt of the Court, and afterwards testified the same his wilful Contempt, by an unseemly Letter addressed by him to this House, and charged him further with divers Articles of great importance, selected by the said Committees out of the said Book: As first, *with publishing the Conferences of this House abroad in Print, and that in a Libel, with a counterfeit Name of the Author, and no Name of the Printer, and containing matter of Infamy of sundry good particular Members of the House, and of the whole State of the House in general, and also of the Power and Authority of this House; affirming, that he knew of his own knowledge, that this House had de facto judged and proceeded untruly.*

Mr. Hall charged the House with Injustice.

And was further charged, *That he had injuriously impeached the*
memo-

memory of the late Speaker deceased ; that he had impugned the Authority of this House, in appointing Committees without his assent ; and that in defacing the Credit of the Body and Members of this House, he practised to deface the Authorities of the Laws and Proceedings in the Parliament, and so to impair the ancient Order, touching the government of the Realm, and Rights of this House, and the form of making Laws, whereby the Subjects of the Realm are governed. And further was charged, That since his being before the Lords of the Council for his said offence, and after that he had received rebuke of them for the same, and had offered some form of a submission, he had esoon again published the said Book ; and that upon his Examination in the House, he had denied the having any more than one of the said Books, it was yet proved he had twelve or thirteen, and six of them he had given away, since the time
 he

Nota.

he was called before the said Lords of the Council.

Unto all which things, as the said Mr. *Hall* could make no reasonable answer or denial, so Mr. *Vice-chamberlain* very excellently setting forth the *natures* and *qualities* of the said offences, in their several degrees, moved in the end that Mr. *Hall* being without at the door, might be called in to *Answer* unto those points before the whole House, and so thereupon to proceed to some end; and therewithall perswading a due consideration of spending the time as much as might be in matters of greatest moment, wherein much less has been done this Session, then in any other these many years in like quantity of time: And thereupon after divers other motions and speeches had in the said matter, the *Printer* was brought to the Bar, and being examined, avowed that Mr. *Hall* after that he had been before the
Lords

The Printer
brought to the
Bar again, and
re-examined.

Lords of the Councel, came to him and told him, that he had answered the matter for the Books before the Councel, and that therefore the *Printer* might deliver the said Books abroad. And also whereas the said *Printer* wished unto the said Mr. *Hall*, since his last committing, that all the said Books had been burned before he meddled with them; Mr. *Hall* should say to him again, *He would not for 100 l.* And then being *sequestred*:

Mr. *Hall* was brought to the *Bar*, where after some *reverence* done by him, though not yet in such *humble* and *lowly wise* as the *state* of one in that *place* to be charged and accused, *requireth*; whereof being admonished by Mr. *Speaker*, and further by him charged with sundry of the said parts collected out of the said *Book*, he *submitted* himself to the House, refusing to make any *answer* or *defence* at all in the matter,

Mr. *Hall* at the *Bar*, and recharged by Mr. *Speaker*.

Submits, refuseth to answer, acknowledgeth his Error, prays pardon; and is sequestred,

D

but

but acknowledging his *Error*,
prayed *pardon* of the whole House
with all his heart; and that done,
was *sequestred*.

Sundry motions
for a proportion-
able punish-
ment.

After which, upon sundry *Motions* and *Arguments* had touching the *quality* and *nature* of his *fault*, and of some proportionable forms of punishment for the same, as *Imprisonment*, *Fine*, *banishment* from the fellowship of this House, and an utter *Condemnation* and *Retraction* of the said *Book*, it was upon the *Question*, Resolved by the whole House without any *one Negative voice* :

Resolved, *nemi-
ne contradicente*
Hall to be com-
mitted to Pri-
son.

1. That he should be *commit-
ted* to *Prison*.

And that Prison
to be the Tower

2. And upon another *Question* likewise *Resolved*, That he should be committed to the *Prison* of the *Tower*, as the *Prison* proper to this House.

There to re-
main for six
months.

3. And upon another *Question*, it was in like manner *Resolved*, That he should *remain* in the said *Prison* of the *Tower* by the space of *6. months*:

4. And

4. And so much longer as until himself should willingly make a *Retraction* of the said *Book*, to the satisfaction of this House, or of such *order* as this House shall take for the same, during the continuance of this present Parliament.

And from thence, till he made a retraction of his Book.

5. And upon another *Question* it was also in like manner *Resolved*, That a *Fine* should be assessed by this House to the *Queens Majesties* use, upon the said Mr. *Hall* for his said offence.

To be fined to the Queen.

6. And upon another *Question* also it was *Resolved* in like manner, That the said *Fine* should be 500 Marks.

And that Fine to be 500 Marks.

7. And upon another *Question* also it was likewise *Resolved*, That the said Mr. *Hall* should presently be *severed* and *cut off* from being a *Member* of this House any more, during the continuance of this present Parliament. And that Mr. *Speaker*, by authority of this House, should direct a Warrant

To be severed and cut off from being a Member of the House.

And the Speaker to issue a Warrant for a new Writ.

from this House to the Clerk of the *Crown-Office* in the *Chancery*, for the awarding of the *Queens Majesties Writ* to the Sheriff of the said County of *Lincoln*, for a *new Burgeſs* to be returned into this present Parliament for the said Burrough of *Grantham*, in the lieu and ſtead of the ſaid *Arthur Hall*, ſo as before *disabled any longer to be a Member of this Houſe*.

His Book and ſlanderous Libel to be adjudged utterly falſe and erroneous.

And that to be publickly testified and affirmed by Order of the Houſe.

8. And upon another *Queſtion* it was alſo in like manner *Reſolved*, That the ſaid *Book and ſcandalous Libel* ſhould, and ſhall be *holden, deemed, taken and adjudged to be utterly falſe and erroneous*.

And that the ſame ſhall be publickly testified, affirmed and ſet forth to be falſe, ſeditious and erroneous, in ſuch ſort, order and degree as by this Houſe ſhall be, during this Seſſion of Parliament, further determined in that behalf,

Which done, the ſaid Mr. *Hall* was

was brought in again to the *Bar*, unto whom *Mr. Speaker* in the name of the whole House, *pronounced* the said *Judgment* in form afore said, and so the *Serjeant* was commanded to take charge of him, and convey him to the said *Prison* of the *Tower*, and to deliver him to *Mr. Lieutenant* of the *Tower*, by Warrant from this House to be directed and signed by *Mr. Speaker* for that purpose. Which done, and the said *Mr. Hall* had away by the *Serjeant*, it was agreed (upon a *motion* made by the *Speaker*) that the whole *course* and *form* of the said *proceedings* and *Judgment* of this *House* against the said *Mr. Hall*, should be afterwards *orderly* digested and set down in due form, to be first read in this House, and then so entred by the *Clerk* as the residue of the *Orders* and *proceedings* of this House, in other Cases, are used to be done. And so it was afterwards drawn into *form*, read un-

Hall brought to the Bar to receive his Judgment, which *Mr. Speaker* delivered accordingly.

to the House, and entred by the Clerk accordingly, *in hæc verba :* (*viz.*)

The Proceedings against *Hall* drawn up, read and agreed to by the House.

Whereas it was informed unto this House, upon *Saturday* being the *fourth* day of this present *February*, That *Arthur Hall* of *Grantham* in the County of *Lincoln* Esquire, had sithence the last Session of this *Parliament*, set forth in print and published a *Book*, dedicated unto Sir *Henry Knyvet* Knight, a good Member of this House, without his privity, liking or allowance, in part tending greatly to the slander and reproach not only of Sir *Robert Bell* Knight, deceased, late *Speaker* of this *Parliament*, and of sundry particular Members of this House, but also of the proceeding of this House in the same last Session of *Parliament*, in a Cause that concerned the said *Arthur Hall*, and one *Smalley* his man ; and that there was also contained a long discourse tending to the *diminishment*

ment of the *ancient Authority* of this House ; and that thereupon by Order of this House, the said *Arthur Hall* was sent for by the *Serjeant* of this House, to appear on *Monday* following, which he did accordingly : whereupon being called to the *Bar*, and charged by the *Speaker* with the Information given against him, he *confessed* the making and setting forth thereof : whereupon the said *Arthur Hall* being *sequestred*, the House did presently appoint divers *Committees* to take a more particular *Examination* of the said *Cause*, and of all such as had been doers therein ; which *Examination* being finished by the said *Committees*, they informed this House that they had charged the said *Arthur Hall* with *Contempt* against this House the said last Session, in that being enjoined by this House to appear there at a time by this House prefixed, departed out of the Town in *con-*

tempt of the Court, and afterwards testified and asserted the same his wilful contempt, by an unseemly Letter addressed by him to this House ; and charged him also with publishing the Conferencess of this House, abroad out of the House, and that also in print, in manner of a Libel, with a counterfeit name of the Author, and without any name of the Printer : in which Book or Libel was contained matter of reproach and infamy to sundry good Members of this House in particular, and of the whole state of the House in general, reproaching and embasing what in him lay, the Power and Authority of this House ; and untruly reporting the Orders of this House, affirming amongst other great reproaches, that he knew of his own knowledge that this House had judged and proceeded untruly; and further charged him, that he had therein also injuriously impeached the memory of the late
Speaker

Speaker deceased, affirming that the *Orders* of this House were not by him truly delivered or set down, but altered and changed.

And not herewith satisfied, hath in some part thereof contained a false and slanderous discourse against the *Antiquity* and *Authority* of the *Commons House*, or *Third Estate* of the *Parliament*; wherein he hath falsely sought, as much as in him is, to impugn, de- face, blemish and diminish the *Power*, *Antiquity* and *Authority* of this House, and the Interest that it hath always, and in all ages had, to the great impeachment of the ancient order and government of this Realm, the rights of this House, and the form of making Law

Rot. Pat. 48 H.
3. m. 6. dorso.

*Forma pacis in-
ter Regem &
Barones.*

The Articles of
Peace à Domino

Rege & Domi-
no Edwardo,
Prelatis &

Proceribus om-
nibus, & Com-
munitate tota

regni Angliæ
communiter &
concorditer ap-
probat. were

sealed by the
Bish^{ps} of Li-
ce^r and Ely

Earl of Nef.
Earl of Oxon.
Humphrey Be-

don. in Parlamento
consensu, voluntate &

Baronum, ac etiam
And not only so, but that

ordinatio facta in Parlamento
vitatis Sancti Johannis Baptiste
proxi^o præteritum, pro pace

hūn, William de Monte Canisio, & Major.

London. mense Junii, Anno Dom. 1264^{rum}.

præcepto Domini Regis, necnon Præ-

Record tells us, Quod quæda^m

London. habito circa festum

proxi^o præteritum, pro pace

And

Pultons Stat.
 24 H. 8. c. 12.
 It is unani-
 mously decla-
 red, adjudged
 and confirmed,
 That the *King*,
 his noble Pro-
 genitors, and
 the *Nobility*
 and *Commons*
 of the said
 Realm, at di-
 vers and sun-
 dry *Parlia-*
ments as well
 in the time of
 King E. 1. R. 2.
 H. 4. and other
 noble Kings of
 this Realm,
 made sundry
Ordinances,
Laws, *Statutes*
 and *Provisions*
 for the entir-
 and sure con-
 servation of the
 Prerogative,
 Liberties and
 Preheminences of the

And that since his being before
 the Lords of the Councel for his
 said offence, and after he had re-
 ceived rebuke of them for the
 same, and had offered some form
 of submission in that behalf, he
 had estsoons again published the
 said *Book*; and that upon his
Examination in this House, he
 had denied the having of any
 more then one of the said *Books*,
 yet it was proved he had 12. or
 13. of them, and 6. of them since
 the time he was called before the
 Lords of the Councel: and that
 he had by his Letters given order
 to have - - - of those *Books* prin-
 ted, which was done according-
 ly; and that he had caused one of
 the said *Books*, sithence this Sessi-
 on of Parliament, to be sent to
 Sir *Andal Brewerton* Kt.
 of the Jurisdiction *Spiritu*. Imperial Crown of this Realm, and
 from the annoyance as well *and Temporal* of the same, to keep it
 Authority of other Foreign *Pr* the *See of Rome*, as from the
 tion and violation thereof, as *states*, attempting the diminu-
 any such annoyance and attempt *nt* and from time to time as
 be known or espied.

Unto

Unto all which, as the said *Arthur Hall* could make no denial, or sufficient Answer, so the said Committees setting forth the nature and qualities of the said Offences in their several degrees, moved in the end that the said *Arthur Hall* might be called into the House, to answer unto those Points before the whole House, and so thereupon to proceed to some speedy end, perswading therewithal a due consideration to be had of spending the time as much as might be, in such Matters of the Realm, for which this Parliament was chiefly called.

Ex vetusto MS. Statutorum penes Johan' Peachy de Interior Templo Armig. King Edw. 2. and the whole Parliament, in the 15. year of his Reign, when the Ordinances which had been made before that time, by certain Prelates, Earls and Barons, by the consent of that King, & la Communante de la terre, were repealed, because in many things they re-

strained the Power Royal too much; yet in the Act of Repeal there is a *salvo semper jure Regni sive Parliamenti*, for they unanimously agree and provide, *Mes les choses qui sont establies par le state nostre Seigneur le Roy & ses heirs, & par le state du Roialme & du Peuple, soient tretez, accordez & establez en Parlement par nostre dit Seigneur le Roy, & par l'assent des Prelatz, Comtez, Barons, & tout le Commune du Roialme, auxi come ad estre accoustumer ceo en arrear*; That those things which are for establishing the Estate of the King and his Heirs, and for the Estate of the Realm, and the People thereof, shall be treated of, accorded and established in Parliament by the King, and by the assent of the Prelates, Earls, Barons, and all the Commons of the Realm, as it had been accustomed in times past.

Where-

Raffals Stat.
Anno 38 E. 3.
f. 124. the Statute of Provisors from *Rome*. And to the intent that the said *Ordinances* and every of the same, for the ease, quietness and wealth of the Commons, be the better sustained, executed and kept, and that all those which have offended, or shall offend against these *Ordinances*, by prosecutions, accusations, denunciations, citations, or other Proceſs, made or to be made out of the said Realm, or within, or otherwise against any manner of person of the said Realm, be the more covenable, and speedily brought in answer, to receive right according to their desert. The King, the Prelates, Dukes, Earls, Barons, Nobles, and other Commons, Clerks, and Lay-people, be bound by this present Ordinance to aid, comfort, and to counsel the one and the other, and as often as shall need, and by all the best means that may be made of word and of deed, to impeach such offenders, and resist their deeds and enterprizes, and without suffering them to inhabit, abide, or pass by the Seignories, Possessions, Lands, Jurisdictions, or Places, and be bound to keep and defend the one and the other from all damage, villainy, and reproof, as they should do their own persons, and for their deed and business, and by such manner, and as far forth as such Prosecutions or Proceſs were made or attempted against them in especial general, or in common.

of

of Parliament, and since his last committing, wishing unto the said *Arthur Hall*, that all the said Books had been burned before he meddled with them ; that *Arthur Hall* should say to him again, he would not so for 100 *l*. And then he being sequestred, *Arthur Hall* was brought to the Bar, where after some mean reverence by him done, though not in such humble and lowly wise, as the state of one in that place to be charged and accused, required ; whercof being admonished by the Speaker, and further by him charged, as well with the said parts collected out of the said Book, as with other his Misdemeanours and Contempts aforesaid, he in some sort submitted himself to the House, acknowledging in part the Matters wherewith he was charged, and in some other parts denied the same, but not making

Rot Parl 21 R.
2. n. 27 *Pur la*
Pape s'accorde-
rent tous les
Prelats, Seig-
neurs & Com-
munes au le
Parlement.

That Pope Ur-
ban was true
& lawful Pope,
and that the
Livings of all
Cardinals, Re-
bels to Holy
Father, and all
others their
coadjutors, fau-
tors and adhe-
rents, and all
other Enemies
of the King and
his Realm, shall
be seized into
the hands of
the King, and
the King to be
answered of
the profits
thereof; and
whosoever shall
procure or ob-
tain any Pro-
vision or other
Instrument

from any other *Pope* then the said *Urban*, shall be out of the
Kings Protection.

any

*Certaine Priests
en Angleterre
avoient offend
en diverse
points en temps
R. 2. durant le
division de la
Papacy, les fue-
ront per Act
del Parlement
deprives de leur
Benefices.*

21 H. 7. fo. 34.

*Rot. Parl. 2 H. 5.
par. 2. num. 10.
An Act of Par-
liament made
2 H. 5. agrees
and confirms,
that it was ever
the liberty and
freedom of the
Commons of
England, that*

no Statute or Law could be made, unless they gave thereto their assent; and the Reason was convincing and certain, which the King and his Council, the Archbishops, Bishops, Abbots, Priors, Earls and Barons in Parliament, agreed to, and never in the least questioned or doubted of, that the Commons of the Land have ever been a Member of Parliament, and were as well Assenters as Petitioners. The Record is thus; That so as it hath ever be their liberty and freedom, that ther should no Statute, ne Law, be made, of less then they yasse thereto there assent, considering that the Common of your Lond, the which that is and ever hath be a Membre of your Parliament, ben as well Assenters as Petitioners.

any good defence in the Matter, but acknowledging in part his Errors, imputing it for the most part to his misprision, and that in other parts the Matters were gathered otherwise than he meant; and thereupon he prayed pardon of the House, and that done, was sequestred.

After which, upon sundry Motions and Arguments had touching the nature and quality of his Faults, and of some proportionable forms of such punishment for such grievous Offences, it was upon the Question *Resolved and Ordered* by the *whole House, without any one negative Voice,*

that

that he should be committed to Prison.

And upon another Question likewise Resolved and Ordered, that he should be committed to the Prison of the Tower, as the Prison usual for Offenders to be committed unto by this House.

And upon another Question it was in like manner Resolved and Ordered, that he should remain in the said Prison of the Tower by the space of 6 months, and so much longer, as until himself should willingly make a particular Revocation or Retraction under his Hand in writing, of the said

Rot. Parl. 3 H.
5. n. 11. *Nostre*
Seigneur le Roy
per avys & as-
sent des Seig-
neurs & Com-
munes, Enact.
That during
the *Schism* at
Rome, all *Bi-*
shops and other
persons of Holy
Church, shall
be consecrated
by the Metro-
politan, upon
the Kings Writ,
without fur-
ther excuse or
delay.
Pultons Stat,
24 H, 8. c. 12.
It was enacted
by Authority

of Parliament, That all Archbishops and Bishops of this Realm, or of any the Kings Dominions, consecrated, and at this present time taken and reputed for Archbishops and Bishops, may by Authority of this present Parliament, and not by vertue of any provision, or other foreign Authority, License, Faculty, or Dispensation, keep, enjoy and retain their Archbishopricks and Bishopricks, in as large and ample manner, as if they had been promoted, elected, confirmed and consecrated, according to the due course of the Laws of this Realm; and that every Archbishop and Bishop of this Realm, and of other the King's Dominions, may minister, use and exercise all and every thing and things, pertaining to the Office or Order of an Archbishop and Bishop, with all tokens in Signs and Ceremonies thereunto lawfully belonging.

the

Raftals Stat.

25 H. 8. c. 12.

It is declared both by the Lords & Commons, That your Royal Majesty, and your Lords Spiritual and Temporal, and Commons representing the whole state of your Realm, in this your most High Court of Parliament, have full power and authority not only to *dis-
pence*, but also *authorize* some elect person or persons to *dis-
pence* with those and all other *Humane* Laws of this

your *Realm*, and with every one of them, as the quality of the persons and matter shall require; and also the said *Laws* and every of them to abrogate, adnul, amplifie or diminish, as shall be seen unto your Majesty, and the Nobles and Commons of your Realm, present in your Parliament, meet and convenient for the wealth of your Realm, as by divers good and wholesom *Acts* of *Parliament*, made and established as well in your time, as in the time of your most noble Progenitors, it may plainly and evidently appear,

Errors and Slanders contained in the said Book, to the satisfaction of this House, or of such Order as this House shall take for the same, during the continuance of this present Session of Parliament.

And upon another Question it was also in like manner Resolved and Ordered, that a Fine should be assessed by this House to the Queens Majesties use upon the said *Arthur Hall*, for his said Offence.

And upon another Question it was Resolved and Ordered in like manner, that the said Fine should be 500 Marks.

And upon another like Question it was likewise Resolved and

Or-

Ordered, that the said *Arthur Hall* should presently be removed, severed and cut off, from being any longer a Member of this House, during the continuance of this present Parliament; and that the Speaker by Authority from this House, should direct a Warrant from this House to the Clerk of the Crown-Office in the Chancery, for the awarding of

Pultons Stat. An. 2 & 3 E. 6. cap. 21. All

Laws prohibiting Spiritual persons to marry, who by Gods Law may marry, shall be void.

Be it therefore enacted by our Sovereign Lord the King, with the assent of

the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the *Authority of the same*, that all and every Law and Laws positive, *Canons, Constitutions*, and *Ordinances* heretofore made by *Authority of Man only*, which do prohibit or forbid marriage to any Ecclesiastical or Spiritual person or persons, of what estate, condition or degree they be, or by what name or names soever they be called, which by Gods Law may lawfully marry, in all and every Article, Branch and Sentence, concerning only the prohibition for the marriage of the persons aforesaid, *shall be utterly void and of none effect*; and that all manner of forfeitures, pains and penalties, crimes or actions, which were in the said Laws contained, and of the same did follow, concerning the prohibition for the marriage of the persons aforesaid, *be clearly and utterly void, frustrate, and of none effect*, to all intents, constructions and purposes, as well concerning marriage heretofore made by any of the *Ecclesiastical or Spiritual persons* aforesaid, as also such which hereafter shall be duly and lawfully had, celebrate and made, betwixt the persons which by the Laws of God may lawfully marry.

E

the

Lastly, *Knigh-*
ton one of our
 best and most
 exactest Hi-
 storians,

the Queens Majesties Writ, to
 the Sheriff of the said County of
Lincoln, for a new Burgeses to be
 returned into this present Parlia-

tells posterity the ancient ends of calling Parliaments,
 in the Speeches made by *Tho. de Woodstock* Duke of *Glou-*
cester, the Kings Uncle, and *Tho. de Arundel* Bishop of *Ely*, to
 King *Richard* 2d. at *Eltham*, in the 12th. year of his Reign, in
 the name of the whole Parliament then sitting at *Westminster*,
 wherein the said Delegates do put that King in mind, *Quod ex*
antiquo Statuto & Consuetudine laudabili & approbata, &c.
 (saith the Historian) That by ancient Statute and Custom lau-
 dable and approved, which no man could deny, the King may
 once in the year convene his Lords and Commons to his Court
 of Parliament, as to the highest Court of the whole Realm.
 [*In qua omnis equitas relucere deberet absque qualibet scrupulo-*
sitate vel nota, tanquam Sol in ascensu meridiei, ubi pauperes &
divites pro refrigerio tranquillitatis & pacis, & repulsione inju-
riarum refugium infallibile querere possent, ac etiam Errata Regni
reformare, & de statu & gubernatione Regis & Regni cum sa-
pientiori Concilio tractare, ut Inimici Regis & Regni intrinseci,
& hostes extrinseci destruantur & repellantur, qualiter quoque
onera incumbencia Regi & Regno levius ad Ediam Communita-
tis suportari poterunt.] In which Court (say they) all equity
 ought to shine forth, without the least Cloud or shadow, like the
 Sun in his Meridian glory, where poor and rich refreshed with
 peace and ease of their oppressions, may always find infallible
 and sure refuge and succour; the grievances of the Kingdom re-
 dress'd, and the state of the King and government of the Realm
 debated with wiser Counsels, the Domestick and Foreign Ene-
 mies of the King and Kingdom destroyed and repelled, and to
 consider how the charges and burthens of both may be sustained
 with more ease to the people.

ment,

ment, for the said Burrough of *Grantham*, in the lieu and stead of the said *Arthur Hall*, so as before disabled any longer to be a Member of this House.

And upon another Question it was also in like manner Resolved and Ordered, that the said Book or Libel was and should be holden, deemed, and taken and adjudged, to be for so much as doth concern the Errors aforesaid, condemned.

Which done, the said *Arthur Hall* was brought in again to the Bar, unto whom the Speaker in the Name of the whole House, pronounced the said Judgement in form aforesaid; and so the Sergeant commanded to take charge of him, and convey him to the said Prison of the Tower, and to deliver him to the Lievtenant of the Tower by Warrant from this House, to be directed and signed by the said Speaker for that purpose.

Saturday the
18. of *March*.
A further Or-
der against
Mr. *Hall*.

Whereas by a former Order of this House, *Arthur Hall* Esq; was committed Prisoner to the *Tower of London*, there to remain by the space of 6 months, and so much longer, as until himself should willingly make a general Revocation or Retraction under his Hand in writing, of certain Errors and Slanders, contained in a certain Book set forth in Print, and published in part, greatly tending to the slander and reproach of Sir *Robert Bell* Kt. deceased, late *Speaker* of this present *Parliament*, and of sundry other particular Members of this *House*, and also of the *Power*, *Antiquity* and *Authority* of this *House*, to the satisfaction of this *House*, or of such *Order* as this *House* should take for the same, during the continuance of this present *Session* of *Parliament*, as by the same *Order* made and set down by this *House*, upon *Tuesday* being the 14th. day of *February* foregoing,
in

in this present *Session* of *Parliament*, more at large doth and may appear. And where also the said *Arthur Hall* hath ever since the said *Order* taken, remained in the said *Prison* of the *Tower*, and yet still doth, and hath not at all made any *Revocation* or *Retraction* of the said *Slanders*, *Errors* and *Untruths*, to the satisfaction of the said *House*, according to the said *Order* ; It is now therefore *Ordered* and *Resolved* by this *House*, that the further allowance of such *Revocation* or *Retraction* to be hereafter made as aforesaid, shall be referred unto the Right Honourable Sir *Francis Knolls* Knt. one of her *Majesties* most Honourable *Privy Council*, and *Treasurer* of her *Highness's* most Honourable *Household* ; Sir *James Croft* Knt. one other of her *Majesties* most Honourable *Privy Council*, and *Comptroller* of her *Majesties* said most Honourable *Household* ; Sir

Hall's Retraction to be referred to a certain Committee.

Christopher Hatton Knt. one other of her *Highness's* said most Honourable *Privy Councel*, and *Vice-Chamberlain* to her *Majesty*; *Sir Francis Walsingham* Knt. and *Thomas Wilson* Esq; her *Highness's* two principal *Secretaries*; *Sir Walter Mildmay* Knt. one of her *Highness's* said most Honourable *Privy Councel*, and *Chancellor* of her *Highness's* *Court of Exchequer*; and *Sir Ralph Sadler* Knt. one other of her *Highness* said most Honourable *Privy Councel*, and *Chancellor* of her *Highness's* *Dutchy of Lancaster*, being all *Members* of this *House*, or unto any three of them, to be by them or any three of them further *Declared* and *Reported* over unto this *House*, in the next *Session* of *Parliament* to be holden after the end of this said *Session* accordingly.

The Committee to Report
Hall's Retra-
ctation at the
next Session of
Parliament.

The

The 3d. Case of Arthur Hall Esq;

ON *Saturday* the 12th. day of *December*, notice being given to the *House*, of one *Mr. Hall*, a *Member* of the same, that had not attended all this *Parliament*, it was *Ordered*, that the *Serjeant* should give him warning to attend upon *Munday* next.

Anno 27 Eliz.
Jour. Dom.
Com. Saturday
12 December.
Contempt in a
Member.

The Serjeant to
give warning
to Mr. Hall to
attend the
House.

The *Business* of *Mr. Arthur Hall*, of which the *House* had been informed upon their first *Meeting* this Morning, was before the rising of the *House* referred to *Mr. Wolley*, *Mr. Crummel*, *Mr. Diggs*, and *Mr. Sands*, to peruse the *Order* touching the same, against *Munday* next, being the day appointed by the *House* for the said *Mr. Hall* to appear before them.

*The 4th. Case touching Arthur
Hall Esq;*

Monday the
21 November,
Anno 29 Eliz.
An.Dom. 1586

Mr. Markham's
Complaint a-
gainst Mr. Hall.

That he being
for ever disa-
bled to be a
Member of the
House, had not-
withstanding
brought his
Writ against
the Inhabitants
of Grantham
for his Wages.

ON Munday the 21. day of
November, (to which day
the Parliament had been on Fri-
day the 18th. day of the said
Month foregoing last adjourned)
Mr. Markham, a Burgeſs for the
Burrough of Grantham in the
County of Lincoln, ſhewed on the
behalf of the Inhabitants of the
ſaid Burrough, That Mr. Arthur
Hall having been in ſome former
Parliaments returned a Burgeſs
for the ſaid Burrough, and in
ſome of the ſaid Parliaments, for
certain *Causes* the House then mo-
ving, disabled for ever afterwards
to be any Member of this House at
all, hath of late brought a Writ
against the Inhabitants of the ſaid
Burrough for his Wages, (amongſt
other times) in attendance at the
late Session of Parliament holden
at Westminster, in the 27th. year
of

of her *Highness's* Reign, during which *time*, as also a great part of some other of the said former *Parliaments*, he did not *serve* in the said *House*, but was for some *Causes* as aforesaid *disabled* to be any *Member* of this *House*, and was also then committed *Prisoner* to the *Tower* of *London*, and so prayeth the *Advice* and *Order* of this *honourable House* therein; unto the *Censure* and *Order* whereof, the said *Inhabitants* do in most humble and dutiful wise submit themselves, and so shewed the said *Writ*, which was then *read* by the *Clerk*; after the *reading* whereof, and some *Speeches* had touching the former *Proceedings* in this *House* against the said Mr. *Hall*, as well in *disabling* him to be any more a *Member* of this *House*, as also touching his said *Imprisonment*, the *Matter* was referred to further *Consideration*, after *search* of the *Presidents* and *Entries* of this *House* heretofore
had

Who pray the
advice and or-
der of the
House.

had and made in the course of the said Cause.

Friday the 2d.
of December.

On *Friday* the 2d. day of *December*, upon a *Motion* this day renewed on the behalf of the *Inhabitants* of the *Burrough* of *Grantham*, in the *County* of *Lincoln*, touching a *Writ* brought against them by *Arthur Hall Esq;* whereby he demandeth *Wages* of the said *Inhabitants*, for his *Service* done for them in attendance at sundry *Parliaments*, being elected and returned one of the *Burgeses* of the said *Burrough* in the same *Parliaments*; For as much as it is alledged, that the said *Arthur Hall* hath been heretofore disabled by this *House*, to be at any time afterwards a *Member* of this *House*; and also that in some *Sessions* of the same *Parliaments*, he hath neither been free of the *Corporation* of the said *Burrough*, and in some other also hath not given any attendance in *Parliament* at all: It is Ordered, that the *Examina-*
tion

tion of the state of the Cause be Referred to a
 committed to the Right Honourable Committee.

ble Sir Walter Mildmay Kt. one of
 her Majesties most Honourable
 Privy Councel, Chancellor of her
 Highness's Court of Exchequer, Sir
 Ralph Sadler Kt. one other of her
 Majesties most Honourable Pri-
 vy Councel, and Chancellor of her
 Highness's Dutchy of Lancaster,
 Thomas Crummel, Robert Mark-
 ham, and Robert Wroth Esquires ;
 to the end, that after due Exa-
 mination thereof by them had,

(if it shall so seem good to them) they do thereupon move the Lord
 Chancellor on the behalf of this
 House, to stay the granting out of
 any Attachment or other Proceß
 against the said Inhabitants for the
 said Wages, at the Suit of the said
 Anthur Hall, and the said Com-
 mittees also to signifie their Pro-
 ceedings therein to this House, at
 the next Sitting thereof accor-
 dingly.

With directions
 if they think
 good, to move
 the Lord Chan-
 cellor to stay
 the granting of
 further Proceß
 against the
 Burrough.

An

An Order delivered by Mr. Crumwel, Entred by the Consent of the House.

Tuesday the
21. of March.

WHereas upon *Complaint* made to this *House*, upon *Munday* the 21. day of *November*, in the first *Meeting* of this present *Parliament*, on the behalf of the *Burrough* of *Grantham*, in the *County* of *Lincoln*, against *Arthur Hall* Gent. That the said *Arthur Hall* had commenced *Suit* against them, for *Wages* by him demanded of the said *Burrough*, as one of the *Burgesse*s of the *Parliament*, in the *Sessions* of *Parliament* holden in the 13. 14. 18. and 23. years of the *Reign* of our *Sovereign Lady* the *Queens Majesty*, wherein it was alledged, that the said *Burrough* ought not to be charged, as well in respect of the negligent attendance of the said *Mr. Hall* at the said *Sessions* of *Parliament*, and some other *Offences* by him

com-

committed at some of the said Sessions, as also in respect that he had made promise not to require any such Wages. The Examination of the said Cause, on the 2d. day of December, in the last Session of this Parliament, by Order of this House, was committed unto Sir Ralph Sadler Kt. Chancellor of the Dutchy, Sir Walter Mildmay Kt. Chancellor of the Exchequer, *Thomas Crumwel*, *Robert Markham*, and *Robert Wroth* Esqs. This day Report was made by the said Committees, that not having time during the last Session of Parliament, to examine the Circumstances of the Cause, they had in the mean season by their Letters advertised my *Lord Chancellor*, that the said Cause was committed unto them, and humbly requested his Lordship, to stay the issuing forth of any further Process against the said Burrough, until this Session of Parliament (or Meeting) which ac-

cor-

The Ld. Chancellor, at the request of the Committee, stays further Process against *Grantham*.

cordingly his Lordship had very *honourably performed* ; and the said Committees did further declare, that having, during this Session of Parliament (or Meeting) sent for Mr. *Hall*, declared unto him the effect of the Complaint against him ; they had desired him to *remit* the said *Wages* which he had demanded of the said Burrough, whom they found very conformable to condescend to such their Request ; and that the said Mr. *Hall* then alledged and affirmed unto them, that if the Citizens of the said Burrough would have made suit unto him, he would upon such their own suit then remitted the same ; so was he very willing to do any thing which might be grateful to this House, and did freely and frankly remit the same ; which being well liked of by this House, it was by them this day Ordered, that the same should be entred accordingly.

Mr. *Hall* frankly
remit his
Wages to the
Burrough of
Grantham.

§. 1. *Mr. Arthur Hall's Case stated.*

I. **A** Nno 23 Eliz. 1580. Mr. *Arthur Hall*, Burgeſs for *Grantham*, for writing a *Book* derogatory to the *Authority, Power* and *State* of the *Commons House* of *Parliament*, had *Judgment*, *nemine contradicente*.

Ex Journ. Dom.
Com.

1. To be imprisoned in the *Judgment.*
Tower for 6 months, and from
thence till he had made a *Retra-*
ctation of his *Book*.

2. To be severed and cut off
from being a *Member* of *that* or
any *future Parliament*.

The like Presi-
dent *An. 3 Car.*
1. Vid. Journ.
Dom. Com.

3. A *Fine* of 500 Marks to the
Queen.

4. His *Book* and slanderous
Libel adjudged utterly *false* and
erroneous.

II. Anno 1 Jacobi, 1603. The
Bishop of *Bristol* publishing a
Book, tending to make *division*
and *strife*, wrong and *dishonour*,
both

Journ. Dom.
Proc. & Com.
The Bishop of
Bristol's Case.

both to the *Lower House*, and the *Lords* themselves, was complained of by the *Commons* to the *Lords*.

The Earl of *Salisbury* at a Conference between the two Houses, rebuked the Bishop, *That any man should presume to see more than a Parliament could* ; the Bishop made his Recantation :

1. That he had *erred*.
2. That he was *sorry* for it.
3. If it were to do *again*, he would *not* do it.
4. But *protested*, it was done of *ignorance* and not of *malice*.

Ex Journ.Dom.
Proc. & Com.
7 Jac. The
Case of
Dr. Cowell

III. Anno 7 *Jacobi*, 1609.
Dr. *Cowell*, Professor of the *Civil Law* at *Cambridge*, writ a Book called the *Interpreter*, rashly, dangerously, and perniciously asserting certain Heads, to the overthrow and destruction of *Parliaments*, and the fundamental *Laws* and *Government* of the *Kingdom*.

He

He was complained of by the *Commons* to the *Lords*, as equally wounded, who resolved to *censure* his *Errors* and *boldness*: but upon the *interposition* of the King, who declared that the man had mistaken the *Fundamental Points* and *Constitutions* of *Parliaments*, promised to condemn the *Doctrines* of the *Book* as *absurd*, and him that maintained the *Positions*, they proceeded no further.

His *Principles*, with the evident *Inferences* from them, were these:

1. That the King was *solutus à Legibus*, and not bound by his *Coronation Oath*.

2. That it was not *ex necessitate* that the King should call a *Parliament* to make *Laws*, but might do that by his *absolute* power; for *Voluntas Regis* (with him) was *Lex populi*.

3. That it was a *favour* to admit the *consent* of his *Subjects*, in giving of *Subsidies*.

Men despise and reproach those things whereof they are ignorant. It is a desperate and dangerous matter for *Civilians* and *Canonists*, (I speak what I know, and not without just cause) to write either of our *Common Laws* of *England*, which they profess not, or against them, which they know not. But their Pages are so full of palpable Errors, and gross Mistakings as these new Authors are out of our *Charity*, and their Books out of our *Judgment*, cast away unanswered. *Coke lib. 10. Lectori.*

F

4. The

4. The Doctor draws his *Arguments* from the *Imperial Laws* of the *Roman Emperors*; an Argument which may be urged with as great *reason*, and upon as good *authority*, for the *reduction* of the *state* of the *Clergy* of *England*, to the *Polity* and *Laws* in the time of those *Emperors*; as also to make the *Laws* and *Customs* of *Rome* and *Constantinople*, to be binding and obligatory to the *Cities* of *London* and *York*.

Blackwood's
Case.
Jour. Dom.
Com.

IV. In the same *Parliament*, Mr: *Hoskins* a Member of the *Commons*, produced several other *Treatises* containing as much as Dr. *Cowell's* Book, all sold *impune*; amongst the rest there was one *Blackwood's* Book, which concluded, That we are all *Slaves* by reason of the *Conquest*.

Nota.

Upon these *pernicious* and *false* *principles*, our more *modern* Authors have without *controul* published to the World, these, and many

many more *dangerous* positions, *against* the very *being* and *honour* of *Parliaments*, and *destructive* to the ancient *fundamental Laws*, *Priviledges*, and *Customs* of this *Realm*.

POSITIONS.

1. That originally the *Parliament* consisted only of such as it *pleased* the King to *call*, none having *Right* to come else.

E contra
Vide the ancient Rights of the Commons of England asserted, or a discourse, proving by Records and the best Historians, that the Commons of England were ever an essential part of Parliament.

2. That *all* the *Subject* hath, is the *Kings*; and he may *lawfully* at his *pleasure* take it from us, in *regard* he hath as much *Right* to all our *Lands* and *Goods*, as to any *Revenue* of the *Crown*.

3. That the *Saxon Kings* made *Laws* by the *advice* of the *Bishops*, and *Wise men*, which were *no* other then the *Privy-Council*.

The Power of Kings, in particular of the Kings of England, learnedly asserted by Sir Robert Filmer Kt. fol. 1. Printed An. Dom. 1680.

4. That the *Laws*, *Ordinances*, *Letters Patents*, *Priviledges* and *Grants* of *Princes*, have *no force* but *during* their *life*, if they be not *ratified* by the *express* con-

sent, or at least by the *sufferance* of the Prince *following*, who had knowledge thereof.

What then becomes of the *Peerage of England*? what of the *Bishops*, *Deans*, *Prebends*, and other *dignified Clergy*? what of the *Charters* of all *Corporations*? what of *hereditary Offices*? and what of *Offices* and *Places* for *life*? and lastly, what becomes of the *Charters* and *Priviledges* of the two most famous *Universities* of *England*, *Cambridge* and *Oxford*?

5. That *Taxes* and *Subsidies* were raised and paid *without* any *gift* of the *Commons*, or of any *Parliament*, in the *Saxon times*; for instance, *Danegelt*.

6. For it was matter of *Grace* for the King to call the *Commons* to *Parliament*. Yet afterwards the *Commons* were called and made a *House* by the *Bishops*, in the times of the *Barons War*, the better to *curb* them; yet were they

they *never* called to *consult*, but only to *consent*.

7. Yet others deny *that*, and affirm that the *Commons* had their first birth and beginning by *Rebellion*, Anno 49 H. 3. and that too after the Battel of *Lewes*, when the *Barons* had the *King* and Prince *Edward* in their power as *prisoners*, and exercised *Regal Authority* in his Name. He reigned 57. years.

8. But this is not agreed by some, for they say, *ab ingressu* of *William* the First, *ad excessum* H. 3. they cannot find one word of the *Plebs* or *Commons* being any part of *Parliament*; hence another infers, that the *opinion* is most like, who think, That the *Commons* giving their assent to making of *Laws*, began about the time of *E. 1.*

9. The *Legislative* power is wholly in the *King*, for the *Statutes* of most antiquity (according to the phrase of penning) may seem

to be the *meer will and pleasure* of the King, assisted with his *Council*, neither *Lords* nor *Commons* being named: witness, *inter al.* the Statute of *Magna Charta*, 9 H. 3. &c.

10. Nor did the *Commons* take into *consideration* matters of *Religion*, which was *only* the place and function of the *Lords Spiritual* and *Divines* to determine, and *not at all* appertaining to the *Laity*: *semper exclusis Dominis Temporalibus, & Communitate Regni.*

11. As for the *Priviledges* of the *House of Commons* pretended to, there's *none* to be found *full*, and *firm*, but only their being freed from *Arrests*, and that hardly.

12. They are not *called* to be any *part* of the *Common Council*, by the *Writ of Summons*.

13. Nor to consult *de arduis Regni negotiis*, of the difficult business of the Kingdom.

14. For

14. For the *Writ* saith, That the King would have conference and treat with the Great men and Peers, but not a word of treaty and conference with the *Commons*.

15. Their duty being only ad faciend. & consentiend. to perform and consent to such things as should be Ordained by the Common Council of the Kingdom.

16. Nor is there so much mention in the *Writ*, as a power in the *Commons* to dissent. [No more is there in the *Lords Writ*, what then?]

17. Until H. 7's time the *Commons* were often petitioning, but never petitioned to, and then directed to the Right Worshipful *Commons*.

18. That until the time of E. 6. (who was an *Infant*) for that I suppose was the pretended foundation of the notion, it was punctually expressed in every Kings Laws, that the Statutes were made by the King alone : and then there

began a *dangerous* alteration in the *phrasing* and *wording* of *Acts* of *Parliament*, to the *disadvantage* of the *Crown*, and *invading* the *Prerogative*.

19. Lastly, for it would be tedious to trouble the *Reader* with *all* their *absurdities*, *Chimera's*, and *false Inferences* and *Notions* with which they have *stuffed* their *Books*, and *imbroiled* the *Kingdom*, by *imposing* upon the *understanding* of many of the *Clergy* and *Gentry* in the *Nation*; They boldly *assert*, that the *Kings Prerogative* is a *preheminance* in *cases* of *necessity*, (of which he is the proper and sole Judge) *above* and *before* the *Law* of *property* and *inheritance*.

And so *farewell* all *Parliaments*; and by consequence, *farewell* all *Laws*.

It is *God* alone who *subsists* by *himself*; the *Right* of *Crowns* and *Kingdoms*, and *all* other things, *exist* in *mutual dependance* and *relation*. The *Sovereignty*, *Honours*,
Lives,

Lives, Liberties and Estates of all, are under the *guard* of the *Law*, which when invaded by *fraud* or *violence*, or destroyed by *force*, a dismal *confusion* quickly veils the face of *Heaven*, and brings with it horrid *darkness, misery and desolation*; *Rapine, plunder and cheating*, both private and publick, will be allowed and protected; continual *Rebellions*, unjust *Proscriptions*, villanous *Accusations* and *Whippings*, illegal and lasting *Imprisonments* and *Confiscations*, dismal *Dungeons*, tormenting *Racks* and *Questions*, *Arbitrary* and *Martial Law*, *Murthers*, inhumane *Assassinations*, and base and servile *Flatteries*, multiplied by *Revenge, Ambition*, and insatiable *Avarice*, will become the *Common Law* of the *Land*.

All these and *myriads* more will be enacted for *Law*, by *force* or *fraud*.

All which that wise King *James* well understood, who saith, That
not

King James's
first Speech to
his first Parlia-
ment in Eng-
land.

Pulton's Stat.
1 Jac. cap. 2.
fol. 1157.

not only the *Royal Prerogative*, but the *Peoples security* of Lands, Livings and Priviledges, were *preserved* and *maintained* by the *ancient* fundamental *Laws*, Priviledges and Customs of this Realm, and that *by* the *abolishing* or *altering* of *them*, it was *impossible* but that present *confusion* will fall upon the whole *state* and *frame* of this *Kingdom*.

King Charles
the I. Declara-
tion to all his
loving Subjects,
published with
the Advice of
his Privy
Council.

Exact Collecti-
ons of Declara-
tions, pag. 28,
29.

And his late *Majesty* of ever blessed memory, *was* of the same *mind* and *opinion*, when he said, The *Law* is the *Inheritance* of every *Subject*, and the only *secu- rity* he can have for his *Life* or *Estate*, and the which being *neg- lected* or *dis-esteemed*, (under what specious shew soever) a great measure of *infelicity*, if not an irreparable *confusion*, must without doubt *fall* upon *them*.

But to return back.

Journ. Dom.
Com. Dr. Man-
waring's Case.

V. Anno 3 Caroli primi, Dr.
Manwaring was impeached in Par-
liament

liament by the Commons, for preaching and printing several Sermons, with a wicked and malicious intention to seduce and misguide the Conscience of the King, touching the observation of the Laws and Customs of this Kingdom, and the Rights and Liberties of the Subjects thereof, and to incense his Royal Displeasure against his Subjects, and to scandalize, subvert and impeach the good Laws and Government of this Realm, and the Authority of the High Court of Parliament, to alien his Royal Heart from his People, and to cause Jealousies, Seditions and Divisions in the Kingdom : Whereupon he had Judgment,

juratores præsentant quod Richardus Empson nuper de London miles nuper Consiliarius excellentissimi Principis Henrici nuper Regis Angl. 17. die Maii Anno Regni dicti nuper Regis 12. & diversis vicibus antea & postea apud London in Parochia sanctæ Brigettæ in Warda de Farrington extra, Deum præ oculis non habens, sed ut filius diabolicus subtiliter imaginans honorem, dignitatem, & prosperitatem

dicti nuper Regis, ac prosperitatem Regni sui Angliæ minime valere, sed ut ipse magis singulares favores dicti nuper Regis adhiberet, unde magnat. fieri potuisset, ac totum Regnum Angliæ, secundum ejus voluntatem gubernaret falso deceptivè & proditoriè legem Angliæ, subvertens diversos ligeos ipsius nuper Regis, ex sua falsa covina, & subtili ingenio, contra communem legem Regni Angliæ. Anderson's 1. Rep. fol. 156.

Vide Rushworth's *Collections*, fo.

Judgment against the Doctor.

Journ. Dom.
Procerum.

1. To be *imprisoned* during *pleasure* of the *House of Lords*.

2. Was *fined* a 1000 l. to the *King*.

3. To make such *submission* and *acknowledgment* of his *Offences* in *writing*, both there and at the *Bar* of the *Commons House*.

4. *Suspended* for the term of 3 years, from *exercising* the *Ministry*.

5. For ever *disabled* to *preach* at *Court*.

6. That he should be for ever *disabled* to have any *Ecclesiastical Dignity*, or *Secular Office*.

7. That his said *Books* were *worthy* to be *burnt*; and that for the better *effecting* of that, his *Majesty* was to be *moved* to *grant* a *Proclamation* to *call* them in, to be *burnt* in *London*, and both the *Universities*, and to *prohibit* their *Reprinting*.

This was the *Judgment* of the *Lords*.

The *Doctor* made his *submission* upon

upon his *knees*, first at the *Bar* of the *House of Lords*, and after on his *knees*, at the *Bar* of the *House of Commons* : His *Submission* was this,

I do here in all sorrow of heart and true repentance, acknowledge those many Errors and Indiscretions which I have committed, in preaching and publishing those two

The Doctor's
Submission.

Sermons of mine I call Religion and Allegiance , and my great

fault in falling upon this Theam again, and handling the same rashly , scandalously and unadvisedly,

in mine own Parish-Church in St. Giles in the Fields , the 4th. of

May last past ; I do humbly acknowledge those three Sermons of

mine, to be full of many dangerous passages and inferences, and scan-

dalous aspersions, in most parts of the same.

Ex Agupeto
Diacono.
Assentatores à
Regibus tan-
quam pestis vi-
tandi 12. nam
non utilia con-
sulunt, sed quæ
placent 22. 31.
sic Diogenes ro-
gatus quænam
bellua. pernici-
osissime mor-
deret ex feris
inquit obrecta-
tor excicuri-
bus vero adulator.

And I do humbly acknowledge the Justice of this Honourable House, in that Sentence and Judgment pass'd upon me for my great offence ;

offence ; and I do from the bottom of my heart crave pardon of God, the King, this Honourable House, the Church, and the Commonwealth in general, and those worthy Persons reflected upon by me in particular, for these great Errors and Offences.

Roger Manwaring.

The Lords order the Bishop of London to suspend the Doctor.

After all which, the Lords ordered the Bishop of London to suspend him, according to the Clause expressed in the part of the Judgment against him.

The Doctor after got a Pardon, and was made a Bishop, which occasioned great Disturbances in the House of Commons, in 4 Car. I.

The Charge and Articles against the Doctor, drawn out of his own Books.

Article I.

I. That his Majesty is not bound to keep and observe the good

good Laws and Customs of the Realm, concerning the Right and Liberty of the Subject, to be exempted from all Loans, Taxes, and other Aids laid upon them, without common Consent in Parliament.

2. That his *Majesties Will and command in imposing any charges upon his Subjects, without such consent, doth so far bind them in their consciences, that they cannot refuse the same without peril of eternal damnation.*

Article II.

1. That these *Refusers* had offended against the *Law of God.*

2. Against the *Supreme Authority.*

3. By so doing were become guilty of *impiety, disloyalty, rebellion, disobedience, and liable to many other Taxes.*

Article III.

1. That *Authority of Parliament* is not necessary for the raising of *Aids and Subsidies.*

2. That

2. That the *slow* proceedings of *such* Assemblies, are *not* fit to supply the *urgent* necessity of the *State*.

3. That *Parliaments* are apt to produce *sundry* impediments to the *just* designs of *Princes*, and to give them *occasion* of *displeasure* and *discontent*.

It was a saying of *Themistius* in his Consular Oration to *Jovinian* the Emperor, that *Some Bishops did not* worship God, *but the Imperial purple*.

This *Dr.* as I said before, after this so solemn a *Judgment*, did in the time of Prorogation, between 3 & 4 *Car. 1.* get a *Pardon*, and not only so, but the *Bishoprick* of *St. Davids*; which occasioned great *debates* and *disturbances* in the *Parliament* when they re-assembled again, the *power* and *validity* of his *Pardon* being brought in *question*, and several times *argued*: but the dissolution of the *Parliament* put an end to the dispute for that time.

But

But in the Parliament before the Long Parliament of 1640. the *Lords* highly resented it, as may appear by following proceedings.

This day was read the *Declaration* of the *House of Commons* made *tertio Caroli Regis*, against Dr. *Manwaring*, since Lord Bishop of St. *Davids*, and likewise the *Sentence* pronounced against him by the *Lords Spiritual* and *Temporal* in the High Court of *Parliament*, which is committed to the consideration of the *Lords* of the *Grand Committee* for Privileges; and it was *moved*, that what can be alledged on the Lord Bishop of St. *Davids* part, either by *Pardon*, *License*, or *otherwise*, that it may be *produced* and *seen* at the sitting of the *Lords Committees*, for their full and clear understanding, and better expedition in the business.

Journ. Dom.
Proc. die Sab-
bathi, 18 die
April. 16 Car. 1

Having taken into consideration the business concerning Dr. *Manwaring*, it was *ordered*, that

21 April. 1640.

G

upon

upon *Munday* next the *Records* be brought into the *House*, that the *House* may determine the *Cause* touching *Dr. Manwaring*.

27 April. 1640 The business appointed this day concerning *Dr. Manwaring*, is referred until to morrow morning, viz. 28 *Aprilis*.

28 April. 1640. The *Lord Keeper* by command from his *Majesty* was to let their Lordships know, that his *Majesty* had understood that there was some question concerning Doctor *Manwaring* now Bishop of Saint *Davids*, and that his *Majesty* had given command that the said *Dr. Manwaring* shall not come and sit in *Parliament*, nor send any *Proxy* to the *Parliament*: thereupon it was ordered to be entred so.

And between that and the next *Parl.* as I am informed, he died.

VI. *Anno 3 Caroli primi*, *Dr. Mountague* was complained of in the *House of Commons*, for writing and publishing several *Tenents*, tend.

Journ. Dom.
Com. 3 Car. 1.
Dr. Mountague's Case.

tending to * *Arminianism* and *Popery*, and that he had committed a contempt against the House.

* *Heli the Priest, who teaching from without, Corrupted Faith, bound under Laws of might, Not feeling God, but blowing him about, In every shape and likeness but the right.*

* The Dr. Writ and Published several Tenents, tending to *Arminianism* and *Popery*.

* Lord Brook (friend to Sir Phillip Sidney) in his *Alaham*.

We are to desire to conform our selves to former *Parliaments*; this *Cause* began here, 21. *Jac.* and then it was commended to the *Archbishop*; But after it was so far from cure, that another *Book of Appeal* came out, and the *Parliament*, 1 *Caroli* sent to the *Archbishop* to know what he had done; who said he had given *Mountague Admonition*, and yet he Printed that *second Book* without his consent, and so it was then debated; and the House Voted that he had done a contempt to the House of Commons, and that it disturbed the Church and Commonwealth.

Had done a contempt to the Commons and disturbed the Nation, 1 *Car.* Voted.

Since that they find that *Book* was countenanced, and defended by *Bishops*, and others.

2 *Car.* resolved by that Parliament that he had Sown Sedition.

At the last *Parliament* the House again

And endeavoured to reconcile us to Rome.

Articles against Mountague.

again took it into *consideration*, and Voted that Mountague had sowed Sedition, and Endeavoured to Reconcile us to Rome.

Now it was thought good that an addition should be made to the *Articles* against Richard Mountague Clerk.

First, That he about 21. *Jac.* Printed a Book called a Gag for the Puritan, and about the 22. *Jac.* the *Treaty of the Invocation of Saints*, and 1 *Caroli*, an *Appeal to Caesar*, in every of which he affirmed divers Opinions, contrary to the *Articles of Religion*, and by his so doing, hath broke the *Laws*, and disturbed the Peace of the Church.

He said that the Church of Rome, had ever remained firm in their *Doctrine*, and that the *Sacrifice of Masses*, &c.

And also that contrary to his Duty and Allegiance, under the name of Puritans, he had laid vile Aspersions on divers conformable Persons.

And

And also he labours to draw Men to Popery, by subtle and secret ways.

His *Appeal* hath divers passages that are *contumelious* to his Majesties Father King James, and to divers Worthy and Learned Divines.

For all which the *ommons* Pray he may be Punished, for thus disturbing the Peace of the Church and State.

Two cautions are observed; first, we meddle not with Inferences and Collections, but with immediate contradictions to the *Articles* of Religion, and the *Book* of *Homilies*; also he is not charged with *opinions* contrary to the *Divines* of England.

He recites the *Articles* as if we may depart away from grace the word (away) is not in the *Articles*.

Also the *Articles* do not say that Men justified may fall away from that State; As for the *Ho-*

milies, for the word (*away*) he puts in *fall away*.

Also he seems to make *difference* between the *Church* in *foreign* Parts, and the *Church* of *Eng. land*.

As for his charge of *Sedition*, it is clear by *dividing* the Kingdom under the name of *Puritans*, labouring to bring his *Majesty* in *jealousie* with his *Subjects*, and to stir up *others* in hatred against such.

First, he lays the name of *Puritans* upon the Kings *Subjects*, that are dutiful and honest *Subjects*. In truth at the first this word was given to them that severed themselves from the *Church*, but he says there are *Puritans* in *heart*, and *Puritans* in *Doctrine*, as of *Predestination* and *Reprobation*.

Also this division and aspersion is *new*, and under this *name* he comprehends some of our *Bishops*.

Also

Also he labours to bring *those* persons into dislike with his Majesty, as *dangerous* persons; he says they are a *potent* Faction, that *Authority* is a *mote* in their eye, and they are *cunning* and *active* men. And he concludes, *Domine Imperator defende me gladio, & ego te defendam calamo.*

Also he labours to bring them in *scorn*; in his *Appeal*, they hold the *Cross* of *Christ* in as great *despite* as *Julian*.

Also he withdraws the *Subjects* from their *Religion* to *Popery*, and he introduceth those mischiefs that the *Law* seeks to prevent. By the Law 1 *Eliz.* and other *Statutes*, it is *Treason* to *withdraw* any from the *Religion* established; but he *cunningly* infuseth *Popery*.

He saith, the *points* of *Controversie* between *Us* and the *Papists*, are *Arbitrary*, and that *we* and they *assent* in some *Opinions*, as in the point of *Free-will*; that their *Opinions* and ours are all *one*;

and for the *point of real Presence*, for which so many have *suffered* death, he saith, that they *jangle* without *cause*.

Also it was desired, that those *Absurdities* and *Consequences* we lay upon the *Papists*, for the point of *Free-will*, may be *spared*, and that they are *Bugbears*, &c.

And for *converting* men to *Poper*y, he speaks favourably of the *Pope* ; that he is the *first* and *greatest Bishop*, and fit to *determine Controversies* ; and that the *Pope* is not *Antichrist*, he spends a whole Chapter in that ; and that the *Romish Church* is part of the *Catholick Church*, we mention in our *Creed* ; and for *Popish Ceremonies*, he commends and approves *Pictures* in *Churches* ; and so for the *Cross* he saith, *Caro signetur ut anima*.

Also he labours to reconcile *Papists* and *Us* ; whereas if we offer *Composition*, we *lose* or part with *somewhat*. Also he lays
Scan-

Scandals on us, and our Doctrine, that there is no certainty in our points of difference, and that our Divines themselves differ.

Also he favours those Practices that have been used by the King's Enemies : A Spaniard saith, Nothing is better for the ruine of the *English*, than to establish a Faction amongst them, which he labours to effect. *Campanella de Monar. Hispan.*

His Tenents *Dishonourable* to K. James, who was diligent to prevent *Arminianism* ; now he labours to discredit the Synod at Dort. Also K. James in his learned Works proves the Pope to be *Antichrist* ; but Mountague said, he never had a probable Argument thereof.

Also he puts *Disgraces* on Protestant Divines, that Calvin, Perkins, and Beza, are *Dictators* ; and that Beza doth Puritanize ; and Dr. Whitacre, that he was a man of their side.

His *prophaneness* in speaking of
Preach-

Preaching, and other Exercises of Religion; in preaching in Pulpits they brawl, &c. and Conferences after Sermons, he calls them Prophetical Determinations, and to chew the Cud as after Lectures, Bible-bearers, &c.

It was Ordered, That the *Articles* be presented to the *Lords*, and that *Mountagne* be transmitted to the *Lords*.

After which, the *Parliament* was *Prorogued* to the 4th. year of that *King's* Reign, where the *Commons* were upon him again, and questioned a *Pardon* he had got in the time of *Prorogation*; but shortly after the *Parliament* was dissolved.

§. 2. *Some Presidents wherein the House of Commons have for misdemeanors turned out and discharged their Members.*

Jour. Dom.
Com. Anno
27 Eliz. Dr.
Parry's Case.

I. **A** Nno 27 Eliz. Dr. Parry for several misdemeanors and crimes,

crimes, was disabled to be any longer a Member in the House.

II. *An. 18 Jac. Sir Giles Mom-
pesson for being a Monopolist, and
for other great and insufferable
crimes by him committed, to the
abuse of his Majesty, and grievous
oppression of the Subjects, was*

Journ. Dom.
Com. 18 Jac.
Sir Giles Mom-
pesson's Case.

1. Turned out of the *House*.

2. Committed to the *Tower*.

And after *Impeached* before the
Lords, who gave *Judgment* upon
him :

1. To be *degraded* of the Order
of *Knighthood*.

Journ. Dom.
Proc. 18 Jac.
The Lords
Judgment
againw him.

2. To stand *perpetually* in the
degree of a person *Outlawed* for
Misdemeanors and *Trespases*.

3. His *Testimony* never to be
received in any *Court*, nor to be of
any *Inquisition* or *Jury*.

4. To be *excepted* out of all *ge-
neral pardons*.

5. That he should be *imprisoned*
during his *life*.

6. Not to *approach* within 12.
miles

miles of the *Courts* of the *King* or *Prince*, nor at the *Kings* high Court usually held at *Westminster*.

7. That the *King* should have the *profits* of his *Land* for *life*, and all his *Goods* and *Chattels*, and should be *Fined* at 10000 l.

8. He was also *disabled* to *hold* or *receive* any *Office* under the *King*, or for the *Commonwealth*.

9. And lastly, *ever* to be *held* an *Infamous* person.

III. And in the Parliament 19 *Jacobi*, Sir *John Bennet* Knight, one of the *Members* of the *House*, having been *accused* for *Corruption*, in *receiving* divers * *Bribes* in

Journ. Dom.
Com. 19 Jac.
Sir John Ben-
ner's Case.

*Illos extollimus,
qui fraudibus*

ac dolis divites facti sunt, eos patres legum, Justitia fontes, sapientiaeq; thesauros appellantes, O inconcussa Dei justitia, quamdiu hæc pateris? ab horum igitur scholis, in quibus non sat scio an de veritatis inventionem, an potius de lucri spe major sit disceptatio, prodeunt Judices, Præsides, atq; Ministri, manibus tenacibus, oculis impudicis, effrenata libidine, lapideis cordibus, ficta gravitate, lingua melliflua, sed dentibus virulentis, & breviter auri insatiabili fame. Cardan. libro de utilitate ex adversis capienda. Cap. de Temporum & Magistratuum pravitate, p. 649.

the

the *execution* of his *judicial* place of *Judge* of the *Prerogative* Court of *Canterbury* : All which was proved to the full satisfaction of the House.

Ordered by the *Commons House* of Parliament,

1. That a *Warrant* should issue under Mr. *Speakers* hand, directed to the *Sheriffs* of *London* and *Middlesex*, for the safe *keeping* of the said Sir *John Bennet*, until they shall receive other directions from the *Lords*; to whom the *Commons* had resolved to prefer an *Impeachment* against him.

2. That he be put out, and no longer to continue a *Member* thereof.

3. That a *Warrant* be made for a *Writ* for a new choice for the *University* of *Oxford*.

IV. In the same *Parliament*, Journ. Dom.
the *Commons House* of *Parliament* Com. 19 Jac.
for that Sir *Robert Floyd* had been Sir Robert
a projector of a *Patent* for a *Mo-* Floyd's Case.
nopoly,

monopoly, being a general grievance both in the *original creation*, and in the *execution* :

Turned out for
being a Mono-
polist.

Resolved *una voce*, That the said Sir Robert Floyd was a person *unworthy* to continue a Member of this House, and *adjudged* him presently to be put out.

Journ. Dom.
Com. 3 Car. 1.
Mr. John Bar-
bour's Case.

V. Anno 3 Car. 1. Mr. John Barbour a Lawyer, and Recorder of the City of Wells, for *subscribing* a Warrant for the *quartering* of *Souldiers* ; though he pleaded *fear* ; yet *because* he would rather not lose his Place than *do Justice*, he was thought *unfit* to make *Laws*, that *violates* the *Laws*, his fault being *aggravated* by his *profession* ; he had done well to have remembered 11 R. 2. when Belknap amongst other Judges gave his *Opinion* for *fear*, *unwilling* to lose his *Cushion* ; when he came home he could not sleep, but said, *I deserve three H. H. H. a Hurdle, a Halter, and a Hangman.*

man. 1 H. 4. a Law was made, that fear, much less *Ambition* or *Avarice*, should be no good *Plea*, there being no hope of a Coward. This may serve as an *Almanack* for the *Meridian* of *England*. This Example will prove more and try more than 20 points of Doctrine; it will strike fear, *circumspecta agatis*:

Mr. *Barbour* was called in to answer for himself, and after withdrew, and Ordered,

1. That Mr. *Barbour* be suspended the House, and sequestred, till the pleasure of the House be known.

The Order of the Commons against *Barbour*.

2. That a Committee examine the Cause, and that no motion be made till that be done.

3. And the Order was signified to Mr. *Barbour* by the Serjeant.

§. 3. *Some Presidents for punishing persons that were no Members of the House, for contempts and misdemeanors.*

Journ. Dom.
Com. 4 E. 6.
Criketost's
Case.

I. **A** Nno 4 E. 6. *Criketost* for confederating in the escape of one *Floud*, was committed to the Tower, and afterwards discharged paying his Fees.

Journ. Dom.
Com. 1 Jac.
Complaint
that a Yeoman
of the Guard
who kept the
door of the
Lobby of the
Upper House,
against several
of the Members
of the House of
Commons.

II. Complaint was made by Sir *Herbert Croft*, of *Bryan Tash* a Yeoman of his Majesties Guard, for keeping out of the doors of the Upper House; and Sir *Herbert* himself, and some others of the Commons offering to come in, he repulsed them, and shut the door upon them, with these uncivil and contemptible terms, *Goodman Burges* you come not here.

The *Question* moved in this was, that for so great contempt, whether the House of it self should proceed to punish, or Address them-

themselves to the *proper* Officer the *Lord Chamberlain*, Captain of the *Guard*, &c. And so was left for this day.

A *President* of the like *contempt* by a *Gentleman-Usher*, remembered to have been *questioned* in this House in a *Parliament* in her *Majesties* time.

This day the *contempt* of the *Yeoman* of the *Guard* was again remembered, and propounded as meet to be left to the examination and report of the *Committee* for *Returns* and *Priviledges*. But herein an *Honourable* person, and a *special* Member of the *House*, interposed his *advice*, that there might be some *moderate* course taken with *respect* to his *Majesties* Service, and to the *eminent* and *honourable* Officers whom it might concern: which induced the *House* thus far to be *pleased*, that the *Offender* the *next* day should appear and answer his *contempt* at the *Bar*, with *cantion* and on purpose

H

22 Marti. 1603

pose. (which the House did then utter) that if he seemed to *understand* his own *offence*, and be *sorry* for it, and would *submit* himself to the *pleasure* and *mercy* of the *House*, praying *pardon* and *favour*, they would *remit* and *discharge* him; and the *Serjeant* was commanded to *attend* the said Order for his *appearance*.

Tass brought to the Bar, submits, and is pardoned, paying Fees.

Bryan Tass a *Yeoman* of the *Guard*, for his *contempt* to the *House*, being in the *custody* of the *Serjeant*, and brought to the *Bar*, upon his *submission* and *confession* of his *fault*, Mr. *Speaker* pronounced his *pardon* and *dismission*, paying the ordinary *Fees* to the *Clerk* and *Serjeant*; and in the name of the *House* gave him *advice* and *warning*, for his *better* care and carriage hereafter, upon any the like occasions, in the course of his *Service* and *Attendance*.

III. *Anno 18 Jac.* The *Commons* Journ. Dom.
House of Parliament adjudged Com. 18. *Jac.*
 Sir *Francis Mitchell*, a Lawyer, to Sir *Francis*
Mitchell's Case,
 be prisoner in the *Tower*, for his
 many *misdemeanors* in and about
 the *procuring* of a *Patent* con-
 cerning the *Forfeitures of Recogni-*
zances, and of *Alehouse-keepers*;
 and further ordered, that a *Ser-*
jeant at Arms should forthwith
 take him into his *custody*, and that
 at two of the clock that After-
 noon, should carry him *on foot* Committed to
 through *London-streets* unto the the *Tower*.
Tower, there to be delivered to
 the *Lieutenant*. Carried on
 foot through
London-streets.

After which the *Commons* im-
 peached him before the *Lords* ; After impea-
 who having *examined* his *arbi-* ched by the
trary acts, great *crimes*, and intol- Commons be-
 lerable *villanies*, by *Imprisonments* fore the *Lords*.
 and the *ruine* of many Families,
 all *proved*, as may be seen in the
Lords Journal.

The *Lords* agreed of the Sen- Journ. Dom.
 tence of Sir *Francis Mitchell*, sent Proc. 18 *Jac.*
 a Message unto the *House of Com-* The *Lords*
 mons, send to the
 Commons.

That they are ready to give Judgment against *Mitchell*, if they would come and demand it.

mons, that the *Lords* have proceeded against Sir *Francis Mitchell* upon the complaint of the *Commons*, and they have found him guilty of many *exorbitant* offences, and are ready to give Judgment against him, if they with their *Speaker* will come to demand it.

Answered, They will come accordingly with all convenient speed.

In the mean time the *Lords* put on their *Robes*.

The *Commons* being come, and the *Speaker* at the *Bar*, after low obeysance he said,

The *Commons* by their *Speaker* demand Judgment against Sir *Francis Mitchell*.

There was heretofore related unto your *Lordships* by the *House of Commons*, a complaint of many *grievances* against Sir *Giles Mompeyson*, and Sir *Francis Mitchell*, for many offences committed by them, committed against the *King* and the *Commonwealth*: your *Lordships* have proceeded with *Mompesson*, and given Judgment also

also against him; understanding you are ready to pronounce Judgment also against the said Sir Francis Mitchell, I the Speaker, in the name of the Knights, Citizens and Burgeses of the Commons House of Parliament, do demand and pray that Judgment be given against him the said Sir Francis Mitchell, according to his demerits.

The Lord Chief Justice pronounced the Judgment, *in hac verba*. Mr. Speaker, the Lords Spiritual and Temporal have taken into due consideration the great care and pains taken by the Commons, to inform their Lordships of the great Complaints, and the qualities and natures thereof, presented unto them against the said Sir Francis Mitchell, and others; whereof their Lordships being well prepared by them to the true understanding of the same, and thereupon have proceeded to the perfect discovery

The Lord Chief Justice pronounceth the Judgment,

thereof, by examination of divers Witnesses upon Oath, do find thereby Sir *Francis Mitchell* clearly *guilty* of many great *crimes* and *offences* against his *Majesty* and the *Commonwealth*, and have resolved at this time to proceed to *Judgment* against him for the same: And therefore the *Lords Spiritual* and *Temporal* of this great and *high* Court of *Parliament*, do award and *adjudge*,

The Judgment
of the Lords
against Sir
Francis Mit-
chell.

There was a
Clause in Pa-
rents of Mono-
polies, whereby
power was
given to impri-
son, and hun-
dreds were
committed by
colour thereof
to *Finsbury*
Gaol, and the
Fleet.

1. That the said Sir *Francis* shall *stand* and be from henceforth *degraded* of the *Order* of *Knight-hood*, with reservation of the *dignity* of his now Wife and Children, and the ceremony of *degradation* to be performed by direction of this Court, to the *Earl Marshals* Court.

2. That he shall be *imprisoned* during the *Kings* pleasure in *Finsbury Gaol*, in the *same* Chamber there which he *provided* for others; the *Tower* where he now remaineth, being a *Prison* too *worthy* for *him*.

3. That

3. That he shall undergo a *Fine* of 1000 l.

4. That he shall be *disabled* to *hold* or *receive* any *Office* under the *King*, or for the *Commonwealth*.

IV. *Anno* 18 *Jac.* The *Com-* Journ. Dom.
mons after a Conference with the Proc. 18 *Jac.*
Lords, referred the *Bailment* of Fowles, Geldard
Matthias Fowles, George Geldard, and others
and other *Prisoners*, who had committed.
been *infamous* Agents for *Mompesson* and *Mitchell*, and by them
transmitted to the *Lords*, (the
Parliament being to be adjourned for some time) the opinion
of the *Commons* was, that the
Gaol was the best *Bail* for them.

V. *Anno* 20 *Jac.* Dr. *Harris*, Journ. Dom.
Minister of *Blechingley*, who had Com. 20 *Jac.*
misbehaved himself by *Preaching*, Dr. Harris's
and *otherwise* with respect to Ele- Case.
ction of *Members* of *Parliament*
there, and being complained of
in the *House*, and referred to a

To recant in
the Pulpit.

Committee ; the *Committee* was clearly satisfied that it was a *high* and *great* Offence ; they are of *opinion* he should be *called* to the *Bar* as a *Delinquent*, to be *admonished* , and to *confess* his *fault* there and in the *Countrey*, and in the *Pulpit of the Parish-Church*, on *Sunday seven-night* before the *Sermon*.

The Doctor was brought to the *Bar*, and *kneeled* ; the *House* agreed with the *Committee*, and *Mr. Speaker* pronounced Judgment upon him accordingly.

Journ. Dom.
Com. 3 Car. 1.
Mr. Burgesse, a
Minister, his
Case.

VI. *Anno 3 Car. 1.* Mr. *Burgesse*, a *Minister* in *Oxfordshire*, who had *abused* his *Function* in the *duty* of (*atechizing*, by making an *Interlude full of blasphemous* Speeches ; and also in a *Sermon*, which was made *only* to traduce the *Puritans*, was sent for by a *Messenger* ; being brought to the *Committee*, refused to answer, for which he was committed :

1. To

1. To the *Tower*.

2. After *petitioned* for his deliverance, and *humbly* submitted; whereupon he was *delivered* out of the *Tower*.

VII. In the same *Parliament*,
 Sir *William Wray*, Mr. *Langton*,
 Mr. *John Trelawnie*, and Mr. *Edward Trelawnie*, being *Deputy-Lieutenants* of the *County of Cornwall*, assumed to themselves a
 power to make whom *they* only pleased, *Knights* of the *Shire*, defamed Sir *John Elliot*, and Mr. *Corriton*, who stood to be chosen, sent up and down the *Countrey* Letters for the *Trained-bands* to appear at the day of Election, menaced the *Countrey*, under the title of his Majesties pleasure.

It was Ordered,

1. That Mr. *Langton* and Mr. *John Trelawnie* be committed to the *Tower*, for their *Offence* done to the *House*, there to remain during the pleasure of the *House*, and that

Journ. Dom.
 Com. The Case
 of Sir *William Wray*, M. *Langton*, Mr. *John Trelawnie*, and Mr. *Edward Trelawnie*.

The Judgment
 of the Com-
 mons.

that they make a *submissive* acknowledgment of their *Offences*.

2. And Sir *William Wray*, and Mr. *Edward Trelawnie*, be committed to the *Serjeant*, and so to remain till they make their *Recognition* in the *House*.

The Commons
House of Parli-
ament adjudge
them.

After all which, the *Question* was, whether the Gentlemen should make the *Recognition* at the *Affizes* in *Cornwall*, or no: And it was Ordered,

To make sub-
mission in the
Countrey at
the *Affizes*.

That the *Recognition* and *Sub-
mission* should be made in the *Countrey*; and a *Committee* was appointed to draw the *Recogniti-
on*, and they were sent to the *Tower*.

The *four* Gentlemen were called in to the *Bar*, and the *Speaker* pronounced the *Judgment* upon *them*, all that while they *kneeled*.

Journ. Dom.
Com. 3 Car. 1.

VIII. Anno 3 Car. 1. Sir *Tho-
mas Wentworth* reporteth the Bu-
siness, concerning the *Toll* gran-
ted

ted to *Levet* for - - - - *Bridges* in *Torkshire*, to him and his Heirs, to be holden in Soccage of *East-Greenwich*, at 20 s. Rent, with power to seize Goods, &c.

Levet, for executing a Patent in time of Prorogation, which was adjudged a Grievance by the House in the last Session, ordered to be sent for by the Serjeant at Arms.

No Grant hereof till 10 *Jac.* nor any fruit thereof till 15 *Jac.* the *Bridge* anciently in good repair, some particularly bound to repair it.

This *Patent* adjudged by the Committee a Grievance to the Subject, both in the original *Creation* and *Execution*.

Upon Question so adjudged here: Ordered upon Question,

Journ. Dom.
Com. 4 *Car.* 1.
The Parliament prorogued.

That *Levet*, that hath peremptorily exercised a Patent, here condemned the last Session, for taking Toll at - - - - *Bridges* in *Torkshire*, shall be sent for by the Serjeant at Arms attending upon this House.

IX. Anno 4 *Car.* I. Mr. *Rolls* a Merchant, and a Member of the House, informed the House that his Goods,

Journ. Dom.
Com. 4 *Car.* 1.
The Officers of the Custom-house.

Goods were seized by the Customs for refusing to pay the Customs by them demanded, although he told them he would pay what was adjudged to be due by Law.

It was ordered, that the Officers of the Custom-house should be sent for.

Journ. Dom.
Com. 4 Car. 1.
The Case of
Acton, Sheriff
of London, for
contempt in
prevaricating
in his Testimo-
ny.

X. Sir John Elliot reported from the Committee for the Examination of the Merchants business, That the Committee finding *Acton* Sheriff of London in prevarications and contradictions, in his Examination, which being conceived to be a contempt to the House, he desires he might be sent for to answer his contempt.

Mr. Goodwyn. The Sheriff acknowledgeth his error, and humbly desireth so much favour, that he may once again be called before the Committee, and if he give not full content by his answer, he will refer himself to the wisdom and justice of the House.

Sir

Sir *Walter Earl* seconded this motion, so did Alderman *Moulson*, Secretary *Cook*, Chancellor of the Dutchy, and some others: but this offence being declared to be so great and gross, and that the Committee had given him so many times to recollect himself, and he being so great an Officer of so great a City, had all the favour that might be, and yet rejected the same, and carried himself in a very scornful manner.

Wherefore it was ordered he should be sent for unto the House as a *Delinquent* to morrow morning.

Ordered to be sent for.

Sheriff *Acton* was called to the Bar, as a *Delinquent* upon his knees, and said, If he hath erred, it was through want of memory, or through ignorance, for he intended not the least dislike or distaste to any Member of the House; and withdraws.

Tuefd. 10 Feb. Appears, and called to the Bar.

Mr. *Long*. I shall move that he be sent to the Tower.

Mr.

His Crime
with others
aggravated.

Sentenced to
the Tower.

Journ. Dom.
Com. 4 Car.
26 Jan.
The Case of
Lewis.

Mr. *Littleton*. You see the *as-*
fronts by *Books*, by *Preaching*, by
Rumours, by being *served* with
Process, these *scorns* are *daily* put
upon *us*, that we are *become* but
a *meer* scare-crow; the *neglect* of
our duty is the *cause* of *this*, it is
high time to *remedy* this, or it is
in *vain* to *sit* here.

The *Sheriff* is again called to
the *Bar* on his *knees*, and *senten-*
ced to the *Tower*.

XI. A *Petition* was preferred
against one *Lewis*, who said about
the 25th. of *December*, *The Devil*
take the Parliament: which was
avowed by *two* witnesses. And al-
though it was *spoken* out of *Par-*
liament, yet it was *resolved* to be
an *offence* to the *Parliament*:
And it was ordered he should be
sent for.

§. 4. *Some Presidents for punishing of Misdemeanours in Elections.*

I. **I**N the Parliament of the 18. of King James, the Mayor of Winchelsey, for *misbehaving* of himself at the *Election* of Parliament-men for that Town, and making a *false* Return. It was Resolved upon the Question,

Journ. Dom.
Com. 18 Jac.
The Case of
the Mayor of
Winchelsey.

1. That the Mayor of Winchelsey had committed a Contempt and Misdemeanour against this House, and therefore shall stand committed to the Serjeant till Saturday morning, then making his Submission here at the Bar, to be discharged of any further punishment here.

Judgment against the Mayor.

2. But to make his Acknowledgment in the Town before the new Election.

II. Anno 20 Jac. Upon the Report of Mr. Glanville, concerning the Burrough of Arundel, because

Journ. Dom.
Com. 20 Jac.
The Case of
the Mayor of
Arundel for
Misdemeanour.

cause the *Mayor* had *misbehaved* himself in the *Election*, by putting the Town to a great deal of *Charge*, not giving a *due* and general *warning*, but *packt* a number of *Electors*: It was Resolved,

1. The *Mayor* not being in Town, a *Warrant* be sent for *him*.

2. Resolved upon another *Question*, that Mr. *Alford*, Mr. *Bing*, and Mr. *Lathorn*, shall set down the *Charges*.

Judgment.

To pay the
Charge, to be
set down by 3
Members.

Journ. Dom.
Com. 21 *Jac.*
The Case of
Ingr the
under-She-
riff of Cam-
bridgeshire.

III. *Anno* 21 *Jac.* Mr. *Glanville* reports the *Misdemeanour* of the *under-Sheriff* of *Cambridgeshire*, who refused the *Pole*, declaring, Sir *Thomas Steward* promised him to defend him against Sir *John Cutts*, and told him, he should have no *wrong* nor *damage*.

Resolved upon the *Question*,

That this *under-Sheriff* shall be committed to the *Serjeant's* Custody till Thursday next.

Resolved also upon the *Question*, That making his *Submission* at

Judgment.

at the *Bar*, and acknowledging his *offence*, he shall be discharged from any further punishment in this place.

Resolved also upon a third Question, That the *under-Sheriff* shall *make* a further *Submission* openly at the next *Quarter-Sessions* to be holden in the County, and *acknowledge* his *faults*.

To make a submission at the Sessions.

Edward Ingry brought to the *Bar*, and *kneeling* upon his *knees*, *Mr. Speaker* denounced upon him the Judgment of the *House*.

IV. *Mr. Hackwell* reports from the Committee about the *Sheriffs* of *York*, and others, for the *Election* of *Sir Thomas Savill*.

Journ. Dom.
Com. 3 & 4
Car. I.
Tuesd. Apr. 29.
The Case of
the Sheriffs of
York, and others
touching the
Election of *Sir Thomas Saville*.

The two *Sheriffs*, and two *Aldermen* are Delinquents; one of the *Sheriffs*, and one of the *Aldermen* are most faulty: *Sheriff Thompson* had committed two offences; First, his *hasty* and *precipitate* Judgment of the *Election*, to prevent the *Election* of *Hoy*: Second-

ly, in denying the *Poll*, being required. First, his *hasty* and *precipitate* Judgment, was done without acquainting his *fellow Sberiff*, and it was within a quarter of an hour after the reading of the *Writ*, and half an hour after nine a clock ; and while he was doing of it, he was admonished, and told that he *could not answer it*, and that he might *defer* it ; yet he did obstinately proceed, and answered them *frowardly*, and said he *would* do it, and that he would *justifie* it. His *excuse* was thus: that it was indeed *suddenly* done, but it was done so formerly. But to that it was replied, That never before *above two* were in Election. Secondly, he answered, That it was not of his *own head*, but some *Aldermen* advised it ; but that was Alderman *Cooper*, a *Delinquent* for that offence. For the other offence, in *denying* the *Poll* after it was demanded, and that was before he had pronounced

ced any *Judgment* ; but he was willing that *Robinson* should have the *Poll*, for he knew he could not carry it : but he refused *Hoy*, and he was required *ten times*, but gave no *answer* at all. His *behaviour* before the Committee was *impudent*, and he would *answer* nothing directly. The Committee found this man to be an *engaged man*, and that he was promised to be *saved harmless*. For Alderman *Henlow*, he procured the *Company of Taylors* two days before the Election, and published Sir *John Savill's* Letters, and pressed it, and upon some he pressed it so much, that they *should* elect Sir *Thomas Savill*, and said the *Parliament* will not hold. He dealt with the *Sheriffs* also, and told them divers words of Sir *John Savill*, that he would *take it very ill* ; and, said he, if you will choose Sir *Thomas Savill*, you shall be *saved harmless*. Also he endeavoured to procure a *Certificate*, that

Nota.

Sir *Thomas Savill* was duly elected; when any refused, he said they were *factions Fellows*, and otherwise threatned. The Committee censured Sheriff *Thompson*, and this Alderman *Henlow*, First, that they should stand committed to the *Serjeant* during pleasure. Secondly, that they should acknowledge their offences at the *Bar* in the full House, and pay all due *Fees* before they be discharged. Also they should defray all the charges of the Witnesses of Alderman *Hoy*, to be assessed by four of the Committee. And that they should make *acknowledgement* of their *fault* before the Court of Aldermen at *York*; and that the *Mayor* should certify their *submission* to the House.

Nota.

As for Alderman *Cooper*, he assembled the *Company of Merchants*, and read Sir *John Savill's* Letter for the Election of his Son, and also he at the Election perswaded the Sheriff to give *Judgment*.

ment. Sheriff *Atkins* was only passive, and did not refuse to joyn with the other Sheriff. As for the point of *charges* given to the Witnesses of *Hoy*, it was *doubtful* and *objected* against by some, whether it lay in our power: But it was replied, That in *every* Court it is necessary to have *power* to impose *Fines*, and why we should want *power* for offences that lye in our cognizance, is not to be questioned; else the party that is *duly elected*, and that *justifies* the free Election, and *maintains* the freedom and liberty of the Commonwealth, shall be more *punished* then the *Delinquent*: Also we have power to *imprison*, which is more then a *Fine*: Also we have as much as the *Lords House*, in those things that lye in our *Jurisdiction*. 13 *Eliz* 10 *May*, The Mayor of *Westbury* in *Wiltshire* took 4 *l.* for a Return; Mr. *Long* fined 20 *l.* and ordered to bring in a Bond made him for a greater

sum. 23 *Eliz.* 3 *Januar.* Mr, *Arthur Hall* writ a Book to the dishonour of this House; It was ordered, that the *Serjeant* should go to apprehend him, assisted by two *Knights* of this House. 14 *Febr.* he was brought to the *Bar*, and sent to the *Tower*, and fined 500 Marks, and expelled the House, and kept in the *Tower* six months. 23 *Eliz.* 18 *Martii*, a Fine was assessed on every one that was *absent* without leave. 6 *H. 8. cap. 16.* our Clerks Book is termed a *Record*. 21 *Jac.* the Election of the Burgeses of *Arundel* in *Sussex*; and there it was ordered, that the *Witnesses charges* should be born: And then there was 10 *l.* paid down by one, a *Member* of this House. 12 *Jac.* a *Servant* of Justice *Whitlock's* was Arrested by one *Lock* and *Moon*, who were enjoined to ride both on Horse-back, with their faces to the Horses tails: And Mr. *Hackwell* said, he himself

Nota.

self saw the execution of it in *Cheapside*.

3 *Jacobi*, the Baron of *Walton's* Sir Robert Phillips. Sollicitor, being his Servant, was Arrested; he claimed the privilege, and the party that caused the Arrest was Fined, and it was left to the *Speaker* to moderate the Fine. 18 *Jacobi*, certain Constables of *Tork*, for Misdemeanors, were sent for up, and one was acquitted, and had 5 *l.* given him for his charges. At the last Parliament, Sir *George Hastings* Kt. was elected Knight of *Leicestershire*, and was Arrested by the Sheriff at his Election, and complained here, and his Witnesses were ordered to have their costs paid them.

Ordered that *Thompson* and *Henlow* pay the charges of Witnesses, brought up about the proof of the said Election, and that they shall not be discharged from the *Serjeant* till they pay their Fees; and four Gentlemen of the House

The Sheriff to pay the charges of the Witnesses, to be set down by four Witnesses.

14 are

are to moderate and set down the *charges* in certain. And it is *ordered*, that they shall be committed to the *Serjeant*, till they make their *submission* at the *Bar*, and acknowledge their *faults* on their *knees*, and read a *submission*. As for the *submission* to be made at *York*, it was through great *favour* remitted by the *House*.

To all which I shall add the ensuing President.

Luna 4 Junii, 19 Jacobi.

Committment
of Davenport
to the Tower,
for misinform-
ing the House
of Commons, as
a Witness.

7. The *Commons House* of *Parliament* hath this day adjudged *Randolph Davenport Esq;* for his offence in *mis informing* the same *House*, in a Cause wherein he was produced as a *Witness*, to be committed prisoner to the *Tower*, for the space of one whole month, and then to be *discharged* paying his Fees. There are therefore in the behalf of the said *House of Com-*

Commons, to require and charge you to receive the said *Randolph Davenport* into your custody, within the Prison of the *Tower*, under your *charge*, and him therein safely to detain and keep, for the space of *one whole month*, and then to *discharge* him, paying his Fees ; and this shall be your *Warrant* in this behalf. Given under my hand this 4th. of *June*, 1621.

To Sir *Allen Apsley* Knight,
Lieutenant of the *Tower*.

An

Anno primo
Regis Jacobi,
Num. 42.
penes Joh.
Brown, Ar. Cler.
Parliamentor.

An Act to secure the Debt of Simpson, and others, and save harmless the Warden of the Fleet, in Sir Thomas Shirley's Case.

Soit baile aux Seignours.

A cest Bille ovesq, les Amendements annexes, les Seignours ont assentus.

Humbly pray the *Commans* of this present *Parliament*, That whereas *Thomas Shirley* Kt. which came by your *Higness's* Commandment to this your present *Parliament*, being elected and returned a *Burges* for the *Burrough* of *Steyning*, in your *Higness's* County of *Sussex*, was upon the 15th. day of *March* last past, arrested by the *Sheriffs* of *London*, at the *Suit* of one *Giles Simpson*, first upon an *Action of Debt*, and afterwards laid and detained in *Execution* upon a *Recognizance*,

nizance, of the nature of the *Statute Staple* of 3000 *l.* in the *Prison*, commonly called the *Compter* in the *Poultry* in *London*, at the *Suit* of the said *Simpson*, and from thence by *Habeas Corpus* was removed to your *Majesties Prison* of the *Fleet*, where for a time he was detained in *Execution*, as well upon the said *Recognizance*, as to answer to two *Actions* of *Debt*, one of 2000 *l.* at the *Suit* of *William Beecher*, the other of 3000 *l.* also at his *Suit*, and to answer one other *Action* of *Debt* of 300 *l.* at the *Suit* of one *John King*, contrary to the *Liberties, Priviledges and Freedom*, accustomed and due to the *Commons* of your *Highness's Parliament*, who have ever used to enjoy the freedom in coming and returning from the *Parliament*, and sitting there without restraint and molestation, and it concerneth your *Commons* greatly to have this *Freedom and Priviledge* inviolably observed :

Yet

Nota.

Yet to the end that no Person be prejudiced or damnified hereby, May it please your *Highness*, by the Assent of the *Lords Spiritual and Temporal*, and *Commons* in this present *Parliament* assembled, and by the *Authority* of the same, it may be *Ordained* and *Enacted*, That the said *Sheriffs of London*, the now *Warden of the Fleet*, and all others, that have had the said *Thomas* in Custody, since the said first *Arrest*, their *Executors* or *Administrators*, or any of them, may not, nor shall in any wise be hurt, endamaged, or grieved, because of dismissing at large of the said *Thomas Shirley*, saving always to the said *Giles Simpson*, and other the Persons aforesaid, at whose *Suit* the said *Thomas* is detained in *Prison*, his, their, and every of their *Executions* and *Suits*, at all time and times, after the end of this present *Session of Parliament*, to be taken out and prosecuted, as if the said

Thomas

Thomas had never been arrested, or taken in Execution, and as if such Actions had never been brought or sued against him, saving also to your Majesties said Commons, called now to this your Parliament, and their Successors, their whole Liberties, Franchises and Priviledges, in all ample manner and form, as your Highness's said Commons at any time before this day have had, used and enjoyed, and ought to have, use and enjoy, this present Act and Petition in any wise notwithstanding. Soit fait come & est desire.

The

Anno 3 Car. 1.
 Publ. Stat. fol.
 1433.

The Petition exhibited to his Majesty, by the Lords Spiritual and Temporal in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the Kings Majesties Royal Answer thereunto in full Parliament.

To the Kings most Excellent Majesty

Humbly shew unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, That *whereas* it is Declared and Enacted by a Statute made in the time of the Reign of K. Edward the I. commonly called, *Statutum de Tallagio non concedendo* : That no Tallage or Aid shall be laid or levied by the King or his Heirs in this Realm, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgeses, and other the

34 E. 1.

No Tallage or Aid to be laid or levied without Authority of Parliament.

the Free-men of the Commonalty of this Realm. And by Authority of Parliament holden in the 25. year of the Reign of K. Edward the III. it is Declared and Enacted, That from thenceforth no person should be compelled to make any Loans to the King against his will, because such Loans were against Reason, and the Franchise of the Land. And by other Laws of this Realm it is provided, That none should be charged by any Charge or Imposition called a Benevolence, nor by such like Charge, by which the Statutes before-mentioned, and other the good Laws and Statutes of this Realm, your Subjects have inherited this freedom, That they should not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not set by common consent in Parliament.

1 E. 3. 6.
11 R. 2. 9.
1 R. 3. 2.

Yet nevertheless of late divers Commissions directed to sundry Commissioners in several Counties, with

with *Instructions*, have issued, by means whereof your People have been in divers Places assembled, and required to lend certain sums of Money unto your Majesty; and many of them upon their refusal so to do, have had an *Oath* administred unto them, *not warrantable by the Laws or Statutes of this Realm*, and have been *constrained* to become *bound* to make *appearance*, and *give attendance* before your *Privy Council*, and in *other Places*; and *others* of them have been therefore *imprisoned*, *confined*, and *sundry other ways molested and disquieted*; and *divers other Charges* have been *laid* and *levied* upon your *People* in several *Counties*, by *Lord-Lieutenants*, *Deputy-Lieutenants*, *Commissioners for Musters*, *Justices of Peace*, and *others*, by *Command* or *Direction* from your *Majesty*, or your *Privy Council*, against the *Laws* and *free Customs* of the *Realm*.

And

And where also by the Statute 9 H. 3. 29. called the Great Charter of the Liberties of England, it is declared and Enacted, That no Freeman may be taken or imprisoned, or be disseised of his Freehold or Liberties, or his free Customs, or be Outlawed or Exiled, or in any manner destroyed, but by the lawful Judgment of his Peers, or by the Law of the Land.

And in the 28th. year of the 28 E. 3. 3. Reign of K. Edward the III. it was Declared and Enacted by Authority of Parliament, That no man, of what Estate or Condition that he be, should be put out of his Land or Tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of Law.

Nevertheless against the tenour 37 E. 3. 18. of the said Statutes, and other the 38 E. 3. 8. good Laws and Statutes of your 42 E. 3. 3. Realm to that end provided, di- 17 R. 2. 6. vers of your Subjects have of late been imprisoned without any cause
K shew-

shewed; and when for their deliverance they were brought before your Justices, by your Majesties Writs of Habeas Corpus, there to undergo and receive as the Court shall order, and their Keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesties special Command, signified by the Lords of your Privy Councel, and yet were returned back to several Prisons, without being charged with any thing, to which they might make answer according to the Law.

And whereas of late great company of Souldiers and Mariners have been dispersed into divers Counties of the Realm, and the Inhabitants against their wills have been compelled to receive them into their Houses, and there to suffer them to sojourn, against the Laws and Customs of this Realm, and to the great grievance and vexation of the People. And

Quartering
Souldiers a-
gainst Law.

And whereas also by *Authority* ^{25 E 3. 9.}
of *Parliament*, in the 25th. year
of the *Reign* of K. *Edward* the
III. it is *Declared* and *Enacted*,
That no man should be forejudged of
Life or Limb, against the form of
the great *Charter*, and the *Law* of
the *Land*; and by the said great ^{9 H 3. 29.}
Charter, and other the *Laws* and ^{25 E. 3. 04.}
Statutes of this your *Realm*, no ^{28 E. 3. 03.}
man ought to be adjudged to
death, but by the *Laws* established
in this your *Realm*, either by the
Customs of the same *Realm*, or
by *Acts* of *Parliament*.

And whereas no Offendor, of *Nota.*
what kind soever, is exempted
from the *Proceedings* to be used,
and *Punishments* to be inflicted,
by the *Laws* and *Statutes* of this
your *Realm*; nevertheless of late
divers *Commissions* under your
Majesties *Great Seal* have issued
forth, by which certain persons
have been assigned and appointed
Commissioners, with *Power* and
Authority to proceed within the
K 2 Land,

Martial Law in
time of Peace,
against the
Laws and Sta-
tutes of England

Land, according to the *Justice* of the *Martial Law* against such *Souldiers* and *Mariners*, or other *dissolute persons* joyning with them, as should commit any *Murther*, *Robbery*, *Felony*, *Mutiny*, or other *Outrage* or *Misdemeanour* whatsoever, and by such *summary Course* and *Order*, as is agreeable to *Martial Law*, and as is used in *Armies* in time of *War*, to proceed to the *Trial* and *Condemnation* of such *Offenders*, and them to cause to be *executed* and *put to death*, according to the *Law Martial*.

By pretext whereof, some of your Majesties *Subjects* have been by some of the said *Commissioners* put to death, when and where if by the *Laws* and *Statutes* of the *Land* they had deserved death, by the same *Laws* and *Statutes* also they might, and by no other ought to have been judged and executed.

And also sundry *grievous Offenders*, by colour thereof claiming an *exemption*, have escaped the *Punish*.

Punishments due to them, by the Laws and Statutes of this your Realm, by reason that divers of your Officers and Ministers of Justice have unjustly refused, or forbore to proceed against such Offenders, according to the same Laws and Statutes, upon pretence that the said Offenders were punishable only by Martial Law, and by Authority of such Commissions as aforesaid, which Commissions and all other of like nature, are wholly and directly contrary to the said Laws and Statutes of this your Realm.

They do therefore humbly pray your most Excellent Majesty, that no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such like Charge, without common Consent by Act of Parliament; and that none be called to make answer, or take such Oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same,

or for refusal thereof; and that no *Freeman* in any *such* manner as is before mentioned, be *Imprisoned* or *Detained*; And that your *Majestie* would be pleased to remove the said *Souldiers* and *Mariners*, and that your *People* may not be so *burthened* in time to come; And that the foresaid *Commissions* for proceeding by *Martial Law*, may be *revoaked* and *adnulled*; And that hereafter no *Commissions* of like nature may *issue* forth to any Person or Persons whatsoever, to be *executed* as aforesaid, least by colour of them, any of your *Majesties Subjects* be *destroyed* or *put to death*, contrary to the *Laws* and *Franchises* of this Land.

Nata.

All which they most *Humbly* Pray of your most *Excellent Majesty*, as their *Rights* and *Liberties*, according to the *Laws* and *Statutes* of this *Realm*; And that your *Majestie* would also vouchsafe to *declare* that the *awards*, *doings*, and *proceedings*, to the
pre-

prejudice of your People, in any of the premisses, shall not be drawn hereafter into Consequence or Example; and that your Majesty would be also graciously pleased, for the further comfort and safety of your People, to declare your Royal Will and Pleasure, That in the things aforesaid, all your Officers and Ministers shall serve you, according to the Laws and Statutes of this Realm, as they tender the Honour of your Majesty, and the Prosperity of this Kingdom.

Note.

Which Petition being read the 2d. of June, 1628. the King's Answer was thus delivered unto it.

THe King willeth that Right be done, according to the Laws and Customs of the Realm, and that the Statutes be put in due execution, that his Subjects may have no cause to complain of any wrong or oppressions, contrary

Here the good
King condemns
the Law and
Doctrine of
Dr. Cowell,
Blackwood,
Manwaring,
Fulbeck,
Sibthorpe,
Alabaster,
Filmer, and
their Transcri-
bers and Disci-
ples.

to their *just Rights and Liberties*,
to the preservation whereof, he
holds himself in Conscience as well
obliged, as of his Prerogative.

But this Answer not giving sa-
tisfaction, the King was again pe-
titioned unto, that he would give
a full and satisfactory Answer to
their Petition in full Parliament.

Whereupon the King in Person,
upon the 7th. of June, made
this 2d. Answer.

My Lords and Gentlemen,

THe Answer I have already
given you, was made with
so good deliberation, and approved
by the Judgments of so many wise
men, that I could not have *imagi-*
ned but that it should have given
you full satisfaction; but to avoid
all ambiguous Interpretations, and
to shew you there is no *double-ness*
in my meaning, I am willing to
please you in words as well as in
sub-

substance ; read your *Petition*,
and you shall have an *Answer* that
I am sure will please you.

And then causing the *Petition*
to be distinctly read by the *Clerk*
of the *Crown* , the *Clerk* of the
Parliament read the King's *An-*
swer thereunto in these words:

Soit droit fait come est desire.

§. 4. *Several Miscellaneous Presi-*
dents and Orders both of the
House of Lords and Commons.

I. *A standing Order of the Com-*
mons House of Parliament, tou-
ching Bills delivered to the
Speaker.

U Pon Tuesday the 15th. of Journ. Dom.
this instant May, a Bill Com. Parl.
being offered to the Speaker of the 1 Jac.
Commons House of Parliament, in Mercurii 23
his way coming towards the said Maii, A.D. 1603
House,

A Bill is delivered to the Speaker going to the House, purporting a Declaration of Treason by a Magistrate of the Land, who Gives an Account of it to the House.

Who forbear to read it at that time.

The King sends for the Bill.

House, he received it, and brought it in; and being *set* in his *Chair*, after some time did openly intimate the Head or Title of it, purporting a *Declaration of Treason*, practised by a *Magistrate* of this *Land*, concealing the *Name* of the *Man*, and the Particulars of the Bill, *adding*, that for *special Causes*, he hoped they would not meddle with it, or expect it should be read; nevertheless the House inclined to have the Bill read; but upon the said *Speaker's Motion* and better Consideration, resolved to forbear it for that time, expecting the *return* and *reading* of it, when *Mr. Speaker* should think meet to give the House satisfaction, as he promised shortly to do. The next day (as was afterwards informed) it *pleased* his *Majesty* to send for the *Bill*; and in respect it contained matter of *personal Treason*, (as was likewise pretended) properly and only touching himself, *his Majesty* assumed unto him-

himself the *Examination* of the matter of the *Bill*, and retained it in his own *keeping*.

In all this time, the House for the more part expected an Account of the said *Bill*, which was this day demanded and urged by sundry Members of this House; in which Debate these Questions were handled:

The House expected an Account thereof from Mr. Speaker, and after demands it.

Questions handled thereupon.

1. Whether the House were possessed of the *Bill*.

2. What might be called possession of a *Bill*.

3. Whether it might deal with Treason,

4. Examine, commit, and proceed to Judgment upon Traitors, and with what kind of Treason and Traitors.

5. And lastly, Whether a Speaker receiving a *Bill*, and reading the Title, may deliver it to any, without special allowance and leave of the House.

Hereupon it was *finally Resolved* and *Ordered*, that for this time

To cease with a
caution & care
of the privi-
ledge of the
House.

To be Regi-
stered as the
Judgment of
the *House*, that
no Speaker
should deliver
a *Bill*, whereof
the *House* was
possessed with-
out leave.

The Speakers
excuse.

Motions by se-
veral Members.

time all Questions should cease
touching these matter, with this
cantion and care, proceeding from
a tender regard of the *priviledge*
of this *House*, that it should be
precisely *Registered*, as the *Judg-*
ment of the *House*, that no *Speaker*
from henceforth, should deliver a
Bill, whereof the *House* standeth
possessed, to any whomsoever,
without allowance and leave as
aforesaid, but that he had Power
and might, either shew it or de-
liver a Copy; If it seems meet
unto him.

Who by way of excuse, An-
swered that a *Message* was deli-
vered unto him by a *great Lord*,
from his Majestie, commanding
him to send the *Bill* unto him,
and that he was warranted by for-
mer Presidents, to shew the *Bill*
to the King when he was Com-
manded; As in the Case of Mr.
Morrice, Mr. *Wentworth*, 25. *Elix.*

Many *Motions* ensued in this
matter, by Mr. *Sollicitor*, Sir *Her-*
bert

bert Crofts, Sir Francis Bacon, Mr. Brooke, Mr. Wiseman, Sir William Fleetwood, Mr. Crewe, Mr. Martin, Sir Henery Beaumont, Sir Maurice Berkley, Sir William Strowd, Mr. Telverton, Sir Thomas Hobby.

Much Exceptions against the Presidents, Injurious that any Speaker should deliver a Bill to the King, without the privity of the House.

No Bill whereof the House is possessed to be delivered to the King, or any other without notice and leave of the House.

We loose our priviledge, if we loose our Bill.

Mr. Speaker to pray Access to the King himself, and in the name of the House, to desire the Bill from his Majestie.

No possession of a Bill, except it be delivered to the Clerk to be Read.

If the Speaker Read Title in his Chair, (as he did in this Case) a possession.

Jones

Jones the Prisoner to be sent for hither, and to attend his discharge from the House.

That the Prisoners Committed by us, cannot be taken from us and Committed by any other.

An Order moved and Agreed, that no Bill whereof the House is clearly possessed, be delivered to any before the House have notice, and give leave.

No Bill of which the House is possessed, to be delivered without notice and leave of the House.

Admitted that a Copy may be delivered, or it may be shewed to his Majesty.

Jur. Dom. Com.
Die venris 27.
February, 4 Jac.
A. D. 1606.
A Message from the King.

II. Mr. Speaker declared to the House, a Message from the King; The Message was to this effect. That his Majesty having entered into a Princely Consideration, of the weight of the great Cause in hand, as also of the great worth and sufficiency of those Gentlemen that have Spoken and Dealt in it, he was to put them in mind, that the Writ of Summons that called them thither, was to consult de arduis Regi; That every Man did serve

The Union of England and Scotland.

That the Writ called them to Consul. de arduis Regi.

serve for a *Town* or a *Shire*, that his attendance and service of the House was a great duty; and that the departure of any Member of this House was a greater contempt, than any Nobleman's departure, who served only for himself; that therefore he wished and advised, that no Lawyer or other Member of Note might depart the House, until this great Matter were brought to more ripeness and perfection; and if the House would enter into course for the stay of them here, or for the recalling of those that be absent, his Highness would assist them by his Proclamation, or otherwise as they should conceive fittest.

Their attendance a great duty.

Departure a greater contempt than a Nobleman's. Adviseth no Lawyer or other of Note to depart.

Would assist the House for their stay or recalling.

It was hereupon moved, that many have Tryals at the Assizes, who by their absence might receive prejudice, if some course were not taken to prevent it. Propounded, that Letters might be writ by Mr. Speaker, to the Justices of Assize, for stay of Proceedings against

Motions and Debates upon the Message.

against any man that would require it ; which was approved and resolved by the House.

Mr. Speaker's motions.

Mr. Speaker moveth , that a time might be appointed for the Calling of the House, and a punishment agreed on for the absent.

Others move.

Others , that the House might first be Called, and then a punishment thought on.

That the House being Called, the Serjeant might be sent for those which were found absent.

That a Law might be thought of to provide for this Mischief hereafter.

3 Questions made.

These Motions ended in these three Questions , which by direction was made by *Mr. Speaker*, viz.

1 Question.

1. Whether the House shall be Called.

2 Question.

2. Whether the Serjeant shall be sent for such as are absent, having no reasonable excuse.

3 Question.

3. Whether the House shall be Called on Monday come seven night in the afternoon. Which

Which were all *resolved* in the *Resolves*.
Affirmative, with this further direction, that the *absent* were to be sent for, by the *Order* of the *House*, and by *Warrant* under *Mr. Speaker's* hand; And upon the whole matter a *Special* order conceived; The *Copy* whereof was sent to *sundry* Members that were *absent*, that they might be more *sensible* of the *reason* and *necessity* of their *Attendance*.

The form of the Order was. *Order.*

THis day *Mr. Speaker* delivered a *Message* from His *Majestie*, importing a *Consideration* of the *weight* of the *great* *cause* in hand, of the *study* and *travel* that hath been taken in the *understanding* and *furtherance* of some good *Success* therein, by *sundry* Members of the *House*, and of the *duty* and *necessity* of the *attendance* of every Member, *Representing* in his *Voice* and *Person*,
Veneris 27.
February.
The Union of
England and
Scotland.

a *Shire, City, or at least a Town* the *special use and service* of the *Lawyers of the House*, the *great contempt in departure together*, with his *Highnes's gracious Offer* of his *Royal power and Assistance*, to be added to the *Authority* of the *House*, for the *recalling or punishing* of any Member *Delinquent* in this behalf; Whereupon the *House* entered into *dispute and deliberation*, what *course* were *fittest* to be *taken*, as well for the *continuing* of *such* Members as are *here* already *Assembled*; as for the *return and attendance* of those *absent*, to *partake* of, and *assist* in the *great service* in hand; And after many *courses* and *new devises* of *Order* propounded to the *House*. It was at last *Resolved* upon *three* several *Questions*, *First*, that the *House* should be *called*, *Secondly*, that upon the *calling* such as were *found* to be *absent*, and had no *just* cause of *Excuse*, should with the *privity* and *direction*

rection of the House by Warrant under the hand of Mr. Speaker; And by the Serjeant at Arms, Attendant upon the House, or by his Deputy, be immediatly sent for, and answer Fees and Entries to the Officers, as in Case of breach of Priviledge, or other Contempts to the House. Thirdly, and Lastly, That upon Munday next come Sevenight in the afternoon of that day, the House shall be called.

Mr. Hide the last day immediatly upon the Kings Message, Pleading certain busineses of his Clyents, and other his private occasions of profit and necessity (as he pretended,) made known to the House, that he would go out of Town, and so took his leave in open audience, without the Assent or Leave of the House, which was taxed; And Mr. Speaker warranted to Write unto him, which he did in this Form.

Die Martis 3.
Martii. Mr.
Hide departs
without License
and is sent for.

*The Form of the Speaker's Letter
to Mr. Hide.*

After my very hearty Com-
mendations, *sithence* your
departure hence, there hath been
Complaints made to the *House*,
that *you* have gone without *Leave*
and *Contrary* to His Majesties
pleasure, signified, and the ex-
press Order of the *House*; This
bred great *dispute*, and it was in
a manner *Resolved*, that *you* should
be presently sent for by the *Ser-*
jeant, as being *conceived* to be a
president of *ill* example and *con-*
tempt other Mens Cases Consider-
ed with yours, which led me
to interpose this motion to the
House; That if you came not be-
fore *Munday* next (the day ap-
pointed for calling of the *House*,)
you might then be proceeded
withal as the Case did require;
And my self offering to Write to
you for that purpose, they de-
listd

sisted and left it to my care; Nevertheless for many Important reasons, wherewith I will acquaint you at your coming; I do *advise* you, as also *require* you from the *House*, that you *forthwith* repair *hither*, and attend the *service* in hand, which is now in the greatest heat and hast of proceeding; And so I commit you to God. Directed.

To my very Loving Friend,
Laurence Hide, *Esq;*

It was also *moved* and *resolved*, That *Mr. Speaker* should *Write* another *Letter* to other *Lawyers*, being gone down in the same *Circuit*, where *Mr. Laurence Hide* was, (*viz.*)

Resolved that other Letters be writ to other Members who were Lawyers.

Mr. *John Moore*,
Mr. *Giles Tooker*,
Mr. *Edward Digs*, and
Mr. *Nicholas Hide*, which also he did to this Effect.

The form of the Letter.

The form of
the Letter.

AFter my very hearty Com-
mendations ; Sithence your
departure hence, there hath been
complaint made as well of your
absence, as of many others, which
hath moved the *House* to press
some speedy course for your re-
turn ; and thereupon have com-
manded me forthwith to write
unto you, that you make your
repair hither without *excuse* or
delay, which I would advise you
to do, to prevent further question
or danger , such as I would be
loth you should undergo, as now
the case stands. And so I com-
mend you to the protection of
the Almighty.

To my Loving Friends , Mr.
Giles Tooker , Mr. *John Moor*,
Mr. *Edward Diggs*, and *Nicholas*
Hide Esqs; *Members of the Com-*
mons House of Parliament.

III. It

III. It is this day *Ordered*, that a *Committee* of the *whole House*, shall this afternoon *consider* of a *fit and satisfactory Answer* of the *Kings Majesties Letter* sent this day to this *House*; and also that they shall take into their *Consideration* such *Misinformations*, as are suspected to have been given to his *Majesty*, concerning the *Proceedings* of this *House*, this *Parliament*, and of all the *Circumstances* belonging to the *same*.

Journ. Dom.
Com. 27. Jac.
Vereris 27.
Maii.
Order that a
Committee.
take into con-
sideration mis-
informations
given to the
King, concer-
ning the pro-
ceedings of the
House of Com-
mons.

IV. Sir *Robert Phillips* makes Report of two *Informations* brought, the *one* against *Dr. Lamley*, Chancellor to the *Bishop* of *Peterburrrough*, the *other* against *Dr. Cradock* a *Divine*, and *Chancellor* to the *Bishop* of *Durham*.

Jour. Par. Dom.
Com. 18. 19.
Jac. 15. Martii.
The Case of
Dr. Lamley,
Chancellor to
the Bishop of
Peterburrrough,
and Dr. Cra-
dock a Divine,
Chancellor to
the Bishop of
Durham.
Dr. Lamley
accused for Ex-
tortion and o-
ther Misde-
meanours.

Dr. Lamley is accused for *extorting* of *unlawful Fees* in *Probate* of *Wills*, &c. 2. For *vexing* of *men* with *impertinent*, *trivial*, and *idle Causes*, wherein men are

forced to *consume* their *time*, and *spend* their *Estates* : As for receiving *Money* on *Holidays*, he makes them pay 40 *s.* and upwards for a *Discharge* ; the like of opening half a Shop-window ; it cost another that came to Church on *Christmas-day* with a *foul Band* 54 *s.* and for *omitting* of *Penance*, one *Busshell* paid 100 *Marks*, and desired it might be *employed* to *Charity* ; he said, *Charity* began at *home*.

One having no Sermon in his own *Parish*, went to a *Parish* where there was a *Sermon* ; for *this* he was put to the *Oath ex Officio*, and paid 33 *s.*

Dr. *Cradock*
accused for
Briberies and
other Mifde-
meanours.

V. As for Dr. *Cradock*, Chancellor of *Durham*, I must consider him in *three* Capacities, and apply the faults unto them *severally*.

First, He is *Chancellor* to the *Bishop*.

Secondly, He is a *high-Commissioner*.

Thirdly,

Thirdly, He is a *Justice of Peace*.

1. As *Chancellor*, there are *two Charges of misgoverning himself*.

In *refusing probate of Testaments*, and granting *Excommunications before Citations*.

He takes *Bribes on both sides*.

2. As a *high-Commissioner of the Quorum*, and so a *principal man*, sending out his *Process for Recusants*; he *took of one Collyer 20 l.* for not appearing; of another *10 l.* to shuffle up a clandestine Marriage, &c.

Lastly, As a *Justice of Peace*, he *took 100 l.* for the *discharging of a Priest*; *Newton* killed one, he *compounded for 100 l.*

One *Allenson* a *Batchellor of Divinity*, made one *Hanton* his *Executor*, within 10 days he granted *Sequestration of the Testator's Goods*; *Dr. Cradock* sent them that took away his *Will*, opened his *Desk*, and took 6 or 7
Bags;

Bags; and having threatned them, the *Doct̃or* made 4 Sequestrators; the *Bishop* saith, he would seize the Goods of *Gilbert Hanton*, to the use of the *Bishop* of *Durham*; he came as *Justice of Peace*, and committed *Hanton* to the *Constable*, to be forth-coming; the *Doct̃or* broke open another *Desk*, and took 30 s. in money; he made his *Warrant*, and sent *Hanton* to the *Gaol*; he laid a *Fine* upon him of 50 l. *John Widowers* came to *Hanton*, and mediateth to the *Doct̃or*, for his Son's *Imprisonment*; he would give his Son 22 l. which he doth; the *Sessions* indicted him by the *Oath* of *D. Soame*, because they thought the *Fine* too unreasonable; but the *Doct̃or* said, that the *Lord* of *Durham* would be angry with him.

One *Clement* gave the *Doct̃or* 50 l. and a *Mare*, to have an *Administration* granted.

As he was a *Commissioner*, he took of one *Conyers* 20 l. of another

ther 59 l. and of two others 10 l. a piece, for *Adultery*; of another 8 l. As a *Justice of Peace*, for not sending one to the *Gaol*, 100 l. For *Recusancy*, of one *Tempest* for a *Murther*, 100 l. For *Adultery*, before the Party could free himself, 20 l.

Mr. *Alford*. The Oath *Ex Officio* in this manner; one having no Sermon, went to another, and he made him pay 23 s. for the Oath, and for the same offence; and he going to another Parish, imprisoned him.

Sir *Edward Cook*. No man speaks against the *Jurisdiction*, but the corruption of *Spiritual Courts*, *Qui tollit abusum, confirmat usum*, For the Oath *Ex Officio*, there is an Act of *Parliament* that they may give it, and *Lay-men* may give it, in some cases, not in all. And herein the ancient Common Law, agreeth with the *Canon Law*: in the 32 (vel 31) *Ed. 3.* there was a complaint against *Fees*: 2 *H. 4.* there

there was a Law to *reduce* them to their *ancient* Fees, for now they *exceeded* : For Cardinal *Wolsey* of his *devotion* and *charity* took for *probate* of my Lord *Compton's* Will, 100 *marks* ; hence came the Law of 21 H. 8. We have good Laws, but they are like *Swords* shut up in their *sheaths*.

Sir *Edward Bonstead* he hath a *Petition* of the *Ministers* of *Nor. thamptonshire*, the people have been ready to rise against the *abuses* in the *Ecclesiastical* Courts.

Mr. *Brook*. That the *Convoca- tion* is not a part of the *Higher* House, neither the *Bishops* any part of the *Higher* House, but are there as they have *Temporal* *Baronies*.

Mr. *Pym*. I would not have us send up to the *Lords* yet, till we have *examined* them ; for their *guiltiness* must be *stamped* here, before they go up to the *Lords*.

Mr. *Noy*. 8 H. 6. the *Clergy* and *Bishops* are not to be *arrested* going

going to the *Convocation-house*; we cannot *judge* them, but *complain* of them.

Mr. *Sherwin*. It is a *complaint*, and we must *examine* him, so that our complaint be certain, and not without great *deliberation* handled, that it may not be otherwise *proved*.

Sir *Nathaniel Rich*. That if the *Lords* will not *punish* those, that we *complain* of, we will enter into *Judgment* our selves, which is our *ancient* course.

The House would not send for the accused *Doctors*, because they were of the *Convocation*:

1. To avoid *offence* to them of that *Assembly*.

2. Because of the Stat. of 8 H. 6. Rastall's Stat. 8 H. 6. c. 1.
which is thus: Forasmuch as the *Prelates* and *Clergy* of the *Realm* of *England*, called to the *Convocation*, and their *Servants* and *Familiars* that come with them to such *Convocation*, often times and commonly be *arrested*, molested and

and inquieted; our said Sovereign Lord the *King*, willing graciously in this behalf to provide for the *security* and *quietness* of the said *Prelates* and *Clergy*, at the *supplication* of the same *Prelates* and *Clergy*, and of the *assent* of *Great men* and *Commons* aforesaid, hath *ordained* and *statuted*, that all the *Clergy* from *henceforth* to be called to the *Convocation* by the *Kings Writ*, and their *Servants* and *Familiars*, shall for ever hereafter fully *use* and *enjoy* such *liberty* or *defence* in *coming*, *tarrying* and *going*, as the *Great men* and *Commonalty* of the *Realm* of *England*, called or to be called to the *Kings Parliament*, do *enjoy* and were wont to *enjoy*, or in time to come *ought* to *enjoy*.

Journ. Dom.
Com. 19 Jac.
Sabbathi 2 die
Junii.
Confirmation
of the Order
concerning all
Patents adjud-
ged Grievances

VI. The *Commons House* of *Parliament*, in *Confirmation* of a former *Declaration* therein made, concerning the *stay* of all *Suits*, *Payments*, and other *Proceedings*,
groun-

grounded upon any *Patent* or *Commission*, condemned in the said *House*, as a general *Grievance* or *Inconvenience* to the *Subject*, until further *Order* and *Direction* given therein, hath this day again upon the *Question Resolved* it to be *fit*, that none of the *Patents*, *Commissions*, or other things condemned in this *House* for general *Grievances* or *Inconveniences* to the *Subject*, shall be put in execution, until the next access to *Parliament*.

VII. It is thought *fit* by the *Commons House of Parliament*, that all *Suits*, *Payments*, and other *Proceedings*, grounded upon any *Patent* or *Commission*, condemned in the said *House* as a general *Grievance* or *Inconvenience* to the *Subject*, should stay till further *Order* and *Direction* to be given therein.

Journ. Dom.
Com. Lunæ
26 Martii.
Concerning
all Patents
adjudged Grievance.

VIII. It

Journ. Dom.
Com. Sabbathi
17 Martii.

Order pro
Churchill.

March 21.

Sr. Robert Phil-
lip's Reports

from the Com-
mittee appoin-
ted to examine

Keeling and
Churchill, who
informed them

of many Cor-
ruptions a-
gainst the Lord
Chancellor.

April 25.

A Committee

for regulating the Chancery, and to consider of *Churchill's* false Orders, and the Faults of the rest of the Registers. Sir *Dudley Diggs* saith, that *Churchill* was Register, Councillor and Judge, referred to the Committee.

VIII. It is this day Ordered by the *Commons* House of *Parliament*, that the *Serjeant* at *Arms* attending this *House*, shall attach the *Body* of *John Churchill*, one of the *Deputy-Registers* of the *Chancery*, and him shall take into his *custody*, and bring him to this *House* upon *Monday* morning next, at 8 of the *Clock*; and the *said Serjeant* is in the mean time to keep him so, as none be suffered to speak with him, but in the hearing of the *Serjeant*.

IX. *To the Honourable the Knights, Citizens, and Burgeses of the House of Commons, in this present Parliament Assembled. The humble Petition of the Mayor, Bayliffs, and Burgeses of the Town of Northampton.*

Anno 19th Jac.
A Copy of the
Petition re-
mainning with
William
Gouldsbrough,
Esq; Clerk of
the House of
Commons.

THat whereas your *Petitioners* have been, and still are every way conformable to the *Kings Majesties Laws Ecclesiastical*, yet have they for these *many* years been *subject* to the great *grievances* of *John Lamb*, Doctor of the *Laws*, Chancellor to the *Bishop of Peterborough*, who not only scandalizeth the *Town* in general, as *factious, rebellious, and refractory* to his *Majesties Laws*, but also countenanceth the lewdest fellows in the *Town*, in their opposing of the *Governours and Government*; and by *himself* and his *Surrogates, Registers, Proctors and Apparitors*, and others whom he

The Complaint
of the Mayor,
Bayliffs, and
Burgeses of
Northampton,
against Dr.
Lamb, Chan-
cellor to the
Bishop of Pe-
terborough.

M useth

useth as *Spies* up and down the *Town* and *Country*, citeth *men* and *women* to his *Courts*, upon *small* or *no just* occasion, but only to *enrich* himself and his *Followers*, keeping two *Courts* every fortnight for the most part, and carrying them away from the *usual* place where they were wont to be kept, (as being most convenient) unto other small *Towns* far *remote* ; so that his Majesties *Subjects* are constrained to *travel*, some twenty, some four and twenty miles and more, to their exceeding great *trouble* and *charges*, and to the hazarding of their *lives* ; many being driven by reason of their *Courts* being kept so late in the night, by *Candle-light*, to travel home in the night-time what weather soever be.

And he hath made his own *Brother* Register, and keepeth the *Office* and *Records* in his *own* house, and there maketh *Acts*, and altereth them at his *own* pleasure,

sure, and hath the most part of the *profits* of the same to *himself*, as is reported, his *Brother* only bearing the *name* of the *Register*, but the *Chancellor's* own men for the most part supplying the *Office*; by reason whereof there is such *pilling* and *polling* of the *Town* and *Country* continually, by exacting new *Fees*, and extorting great sums of *Money* for *Probates* of *Testaments*, and *Letters* of *Administrations*, and by causing men to prove *Deeds* of *Gift* in their *Courts*, and to examine *Titles* of *Lands*, and to prove *Wills* there also, though they have been proved above in the *Prerogative Courts*; and by constraining *Widows* to give up *Accompts* of their *Administration*, seven or eight years after their *Husbands* decease, taking five *Nobles* (at the least) of every *one* for the same; by refusing of *Wills* fairly *Ingrossed*, and causing the *Registers* men to write them out again, and

so putting the Country to a double charge.

As also by taking great sums of Money of divers persons for Commuting of Penance, and not bestowing it upon charitable uses; by Excommunicating of men for being in the company of others, standing Excommunicated though they knew not of it, and taking excessive Fees for the same; by citing men and women to their Courts for trifles, and taking eleven groats Fee of every one, though they clear themselves; by citing some to the Courts in the Churchwardens names, without their consent or knowledge; by delaying of Causes in the same Courts, especially about Assessments for the repair of Churches, that it hath cost some Parishes 20 l. 30 l. 40 l. some more, some less, before they could have an end of it; by bringing men to their Courts only upon the Judges suspicion, and there tendering the Oath *Ex Officio*, upon refusal

refusal whereof they have been *Excommunicate*, whereupon some have been driven to *Appeal*, which hath cost some 2 *l.* some 10 *l.* some more, to their great *impoverishing*; by *citing* men and women to their *Courts*, for going to another Parish to hear Gods Word preached, when they had *no* Sermon at their *own* Parish-Church, and taking great *Fees* for the same; by *citing* men to their *Courts* for opening their *Shop-windows* upon a *Holiday*, though it hath been *Market-day*, as it hath been *accustomed*, and making men do *Penance*, and pay *Fees* for the same; and some for taking *Money*, and delivering of *Corn* upon *Holidays*, and for divers other *trivial* matters, making men to spend some 20 *s.* 30 *s.* 40 *s.* 50 *s.* some more, some less, to the great and general grievance of his *Majesties* poor *Subjects*: whereupon it is a general complaint, that it were far better for the Country to give his *Majesty*

Nota est Cyclo-
pum vivendi
ratio, quibus
illa crudelis vox
in Tragædia
attribuitur non
ulla Numina
expavesco Cæli-
tum, sed victi-
mas, uni deorum
maximo ventri
offero, deos igno-
ro ceteros. In
Præf. ad Covar-
ru. opera.

[166]

an yearly Subsidie, then to be thus in continual vexation by the said Doctor Lamb, and his Officers under him: in so much that there were so many Petitions put up by the Country, to the Honourable Sir Edward Cook Knight, sitting as Judge in that Circuit, that the said Doctor Lamb was bound to the good behaviour for the same, and yet the grievances offered by him are still continued.

May it therefore please your Honours, in tender consideration of the premisses, and in a feeling commiseration of the distressed Estate of the said Town and Country by that means, to take such speedy course for their relief, as to your Wisdoms shall seem most expedient: And they and the whole Country shall ever be bound to praise God for your Honours, and to pray for your prosperities, &c.

Math. Sillesby.

Tho-

Thomas Martin's Grievance.

1. *Thomas Martin*, late of *Northampton*, being of the *Parish* of *All Saints*, was presented into *Dr. Lamb's Court* by *William Harrison*, and *Arthur Smith*, Churchwardens of *St. Giles's Parish*, both common Drunkards; one of them upon *Record*, by the advice and practice of *Mr. Stockwell* the *Proctor*, upon a *Fame*, that he having in his hand a *Capons Rump*, should say, it would make as good a *Churchwarden* as the *Churchwarden* of *St. Giles's*; *Mr. Martin* denyeth that he spake any such words, and could never have his *Accuser* come in; and if there were any such *Fame*, themselves raised it in an *Ale-house*.

2. They presented him likewise upon another *Fame*, that the said *Mr. Martin* should in the *Church-Porch* of *St. Giles's*, violently thrust upon the *Wife* of *Humphry*

Hopkins, being with *Child*, to the danger of her life or the *Childs*.

The ground of this *Presentment* was this : Mr. *Bird* being presented to the *Vicaridge* of St. *Giles's*, at his *Induction* there was an horrible *Riot* committed in the *Church*, by the means of Mr. *Sibthorp*, (as was supposed) against Mr. *Bird*, and one base *Fellow* tript up Mr. *Bird's* heels, and threatened to kill him, if he would not deliver up his *Box* of *Writings*; Mr. *Martin* being *Mayor* was called for by the *Constable* to come to prevent *Murther*, where he found the *Church-Porch* full of the basest *People* of the *Parish*, and going into the *Church*, perhaps some of his *Officers* might thrust some out of his way ; but the *Woman* protesteth, that he never did her hurt, neither did she say so, neither could they persuade her *Husband* to bring an *Action* against him at the *Common-Law*, though they often urged him there-

Nota.

Dr. *Sibthorp*.

thereto, and so *they* took this course in the *Spiritual Court*; yet the *Riotters* were never presented into the *Spiritual Court*, because they were *Amici Curie*.

Upon these *Presentments* Mr. *Martin* was cited to appear at *Rowell*, 10 miles from *Northampton*, 2 years after the pretended Offences; but being detained about the *King's Service*, retained a *Proctor* to appear for him; but the *Chancellor* said, it was a matter of Office, and therefore would admit no *Proctor* to appear for him, and presently excommunicated him; whereupon he was forced to appeal, and since hath used all the means he could to have an end of this *Business* by some *Friends*, who wihit him to yield to the *Doctor*, or else he would weary him out; so that he was forced to give him 50 s. and paid also 3 s. 8 d. for his absolution, and yet can get no end of it to this day, but is in danger to be called

called again, though it hath cost him 10 l. already.

3. Also a Sister of the said Mr. Martins, dwelling at Leicester, and coming to Northampton, was desirous to go to St. Giles's Church, to hear Mr. Bird preach, and requested one of Mr. Martin's Prentices to accompany her to the Church, which he did, and they both went thither, and there staid Divine Service and Sermon: For this the Apprentice was cited to the Court, and there troubled from one Court day to another, from Northampton to Rowell, 10 miles off, to the great hindrance of his Master; and at length they enjoined him to pay 3 s. 8 d. which for fear of Excommunication he was forced to borrow, and so to pay them: And she was threatened by the Chancellor, that he would make her keep her Brother's Parish-Church when she came to the Town.

4. And because Mr. Martin, and

and divers other *Townsmen*, refused to give him *their* Voices, to be one of the *Burgesses* of *Parliament* for *Northampton*, (which he would fain have obtained both by *fair* means and *threatnings*) he presently cited *many* to the *Court*, and there troubled them. And amongst the rest, the said Mr. *Martin*, having about 3 years past, by the *Consent* of the *Minister*, *Churchwardens*, and *Parishioners*, built a *Seat* in the *Church* for his *Children* and *Servants*, for their better hearing of *Divine Service* and *Sermons*, was cited before him about the said *Seat*; and the *Chancellor* took it away from him most *unjustly*, (having cost him 3 *l.* building of it) and gave it to 3 of the *stubbordest* *Fellows* in the *Town*, all *opposers* to *Authority*, and one of them for his vicious life bound over to the *Sessions*, and put out of the *Common-Counsel* of the *Town* for the same, and since presented into the

the *Spiritual Court*, for *Incontinency* with 2 Women; and yet Mr. *Middleton*, one of the *Surrogates*, graced him *publickly* in that *Court*, and said, *he was thrust out of the Common-Council for his honesty.*

15 May,
19 Jac.

Thomas Martin.

The Speaker's
Order upon
the Petition.
Lamb, Doctor
in the Civil
Law.

Whereas divers *Complaints* have been made against *John Lamb*, Doctor in the *Civil Laws*, Chancellor to the *Bishop of Peterborough*, for divers *Extortions*, *Oppressions*, and *Misdemeanours*, by him and his *under-Officers* committed, in the *execution* of the said *Office* in the said *Diocess*, and elsewhere. And whereas also it is *informed*, that you whose Names are hereafter set down, can *testifie* mutually against the said *John Lamb*, These are therefore by the direction, and on the behalf of the said *House of Commons*, to require you and every of

of you, that you make your personal appearance at the said *House of Commons*, the 29th. day of this instant *Month of May*, to testify your knowledge in the premisses: Thereof I *require* you not to fail, as you will *answer* the contrary at your *perils*. Given under my Hand this 15th. day of *May*, 1621.

And it was further Ordered, that *Robert Sibthorp*, and *Richard Stockwell*, should be sent for, as Delinquents.

X. Mr. *Glandvile* reports from the *Committee of Priviledges*, the *Election of Monmouth*, and by an Order from the Committee, *Monmouth* was heard yesterday: And they received this morning a *Petition*, that Mr. *Walter Steward* was *returned*, and that they think his *Election* not good: They object against him, because a *Scotchman*, and not *Naturalized*. He forbore to come into the *House*, till

Journ. Dom.
Com. 21 Jac.
10 Martii.
The Case of
Mr. *Steward*, a
Scotchman, e-
lected to be a
Member of
Parliament,
but rejected,
because a De-
nizen.

till he had leave. The Case of one *Lennis Monck*, a *Denizen*, returned and *sate* here ; and so *Sir Horace Palavicino*. The Committee delivered no opinion in it : Two Orders and two Petitions delivered in, to have these heard in order as they come in.

Resolved that those which are already in, shall be proceeded in, in order as the Petitions were delivered.

Mr. *Glandvile* thinks Mr. *Steward* ought not to sit here, because at the time of his Election he was *uncapable* of it ; he that is made a *Denizen*, is not as an *Englishman*, That but only *personal*.

Sir Dudley Diggs in that Parliament when *Bacon Attorney* was in question, whether he ought to sit here or no, Over-ruled he ought not ; yet in favour of him he was suffered to sit here, and an express Order that never any other Attorney after should. To do the like by this Gentleman.

Sir

Sir Edward Cook. No Alien
Denizated ought to sit here :

Tros Tiriisque mihi nullo discrimine habetur.

the other passed *sub silentio*. Some sit here that are *under* age, and ought *not* to sit here, because *not* questioned.

Resolved that Mr. Steward hath dealt very worthily in forbearing to come and sit in this House.

Veneris 28
Maii.

Mr. Glandvile goes on with his Report : Resolved upon Question, the Election of Mr. Walter Steward being *no* natural born Subject, is void, and a Warrant to go for a new Writ for Monmouth.

XI. Sir Robert Phillips reports from the Committee for Courts of Justice 3 Heads : First, The Petition of the Lady Darcy ; in it is a Recital of her Husband's dying seised of the Mannor of Sutton in Surrey, with the Advowson ; a Grant was made to her and another by the Court of Wards, of the

Journ. Dom.
Com. 21, 22 Jac
Regis, Veneris
7 Aprilis.
The Case of
the Lady Darcy,
against the
Bishop of Lincoln,
Lord Keeper of the
Great Seal of
England.

The Lady and another were Grantees of an Heir by the Court of Wards Then presented a Clerk to the Bishop of *Lincoln*, but refused, who presented another. The Lady sues for a Writ of *Quare impedit*. The Curfitor denies it by Order of the Bishop being Lord Keeper. Whereupon she complains to the Commons, who refer it to a Committee. Debates in the Committee.

the *Body and Estate* of her Son, 1 *Aug. 21 Jacobi*, the *Incumbent* died; so she presented her Clerk to the *Bishop*; so the *Lord Keeper*, 3 *Septemb.* presented *Doctor Grant*, the *King's Chaplain*. She was advised to seek her ordinary Course by a *Quare impedit*, which was denied by the *Curfitor*, who said, the *Lord Keeper* gave directions for it to be sued to the *King*, desires of this *Assembly* to have relief; this *Petition* was retained by the *Committees*, Parties on both sides appeared, and *Council*.

It came into question, whether an original Writ might be stayed; the *Lawyers* vouched some *Presidents* for it in *Chancery*; the *Committee* concluded these were not proper in the Cause, and not to be followed, desires an *Accommodation* of this *Business* between the *Lady* and the *Doctor*; they gave a time, for yet they are clearly of opinion, that the *Lady* had

had lost her *Right*, and to the *Heir* doubtful for him. Proposals by
D. Grant, whom
the Bishop and
Lord Keeper
had presented;

They received a *Petition* from Dr. Grant, who made four proffers: First, he would willingly go to a *Trial* with this Lady, without taking advantage of *lapse of time*: If that could not be, he would pass an *Act* of Parliament to set her *in statu quo*: 3ly. would refer it to four Judges; to six Lawyers of this House, if they should say the *Right* was hers, he would resign.

The Committee had an *Answer* from the Lord Keeper of two parts: First, for the denial of the *Quare Impedit*, not his purpose to justify it, but to extenuate his proceedings therein. A *Question* there was between the two Courts, and no good correspondence between the Judges; it was presently after his coming into the place, neither corruption nor malice was in his proceedings: he offered a *Living* equivalent of this, to the Lady:

N he

The Lord
Keeper's An-
swer and Ex-
cuse.

he would satisfie the *Lady* by any means this House should direct, and would labour to get a *Grant* from his *Majesty* to sell to the *Heir*; he had never before, nor would do the like; and returned thanks to the House, for their favourable Interpretation of this his Error.

The Lady will stand and fall by the Judgement of the House.

The Lady Darcy gave a Negative Answer to all; she had appeared to the House, could find no better Judgement, and to this she would stand.

Considerations in the Committee.

The Committee took two things into their consideration, the Ladies own particular, and the publick; For the first, they thought it the safest way to put in a Bill; she was satisfied with this answer: For the second, the denial of the Writ, divers proposals made, but at last resolved to present it to the House without any Opinion of theirs, touching the Offence and Error of the Lord Keeper, was directed to report the whole Narrative to the House.

Who delivered no Opinion, leaving all to the House.

Mr.

Mr. *Brook* said, he had never any person in admiration for advantage, had read the *Law*, there is a *Market* overt of the *Law*, the *Common Pleas*, and the *Chancery*, the Shop of Justice, the *Chancery*. First, No doubt it's a great fault to deny an original Writ in the *Chancery*, but not so much as to deny a *Fine* in the *Common Pleas*; just Excuse, and the offer of *Amendments*, doth much extenuate the Offence, which is but singular; the *Lord Keeper* might do this, to vindicate his Right from the *Usurpation* of the Court of Wards; it cannot stand with the Gravity of this House to transmit it; a man for one single offence; this will be admonition enough to him, that it hath been thus agitated in this House.

Debates in the House by several Members thereof.

Nota.

Sir *James Parrot* argued the offence of the *Lord Keeper*, in the denial of an original Writ; some Excuses are alledged: First done within a short time after he came

in *ignorantia Juris*, in a Judge.

Another Excuse offered ; a Contention between *two* Courts; this rather aggravates than extenuates his offence ; being his own Case, he ought not to have stayed Justice ; this thought a *sole* fault, yet a *great* fault; But he thinks it not a sole fault.

He is informed, that there are *more* Faults of the *like* kind objected to the *Lord Keeper* : Proposed,

To have that *examined* ; then it will be a sole fault ; two other Petitions before the Committees before the *Lord Keeper*, of Mrs. *Thomas*, and Sir *Francis Fuliambe*; to have these *two* fully heard to morrow, and *then* to grow to a *Resolution* of this ; in the mean time to have the *Cursitor* examined about the other, whether another *Quare impedit*, or *Ne admittas* was not denied.

Sir *Thomas Hobby* moved to begin in order with the parts of the
Re

Reports : First, To the *Writ* that which is amiss in the Inheritance, and then to consider of the *Faults*, to have the Bill read.

Mr. Price alledged, no corruption nor ill intention appears in the *Lord Keeper*; a difference between things evil in themselves, and evil by success; the *Lord Keeper* came young to his Place, and from a strange speculation, and found this President; therefore to have some course taken to right the Lady, and to limit that vast Court.

Mr. Solicitor thinks the Answer of the *Lord Keeper's* very fair and satisfactory, if it be rightly understood; and so the Debate went off.

XII. Sir Edward Cook reports from the Committee of Grievances, a Complaint against the Bishop of Norwich; the charge is great and strange, consisting of four parts.

The Debate goes off.
Journ. Dom. Com. 21 & 22 Jac. Regis, Veneris 7 Maii, 1624. The Case of the Bishop of Norwich, impeached by the Commons.

The first head
of his Charge.

First, the *City of Norwich* having 34 *Parishes*, he sent for the *Preachers* of the *City*, and told them they had *preaching* enough, and the *morning* preaching *needless*, wished them to *cease* the *Mornings* Exercise: this aggravated by divers Circumstances, a *Letter* written to him by the *Metropolitan*, about the *Kings* pleasure for *preaching* after this his *Inhibition*; the *Cathedral Church*, the *Elbow* of the *City*, not above 2000 can *hear*, yet all to come thither, above 20000 people in *Norwich*.

The second
head.

Vide Rot. Parl.

17 E. 3. n. 59, 60

Vide Pult. Stat.

35 E. 1. fo. 92.

Fox vol. 1. f. 501

Rot. Parl. 21 E. 3.

n. 1. 63.

The Stat. of

Provisors, 25

E. 3. Rast. f. 98

Rot. Parl. 38 E. 3.

Rot. Parl. 47 E. 3.

n. 30.

Rot. Parl. 3 R. 2.

n. 37.

Rast. Stat. 16

R. 2. cap. 5.

The second, * There came up *Images* and *crucifixes*, counted *Laymens* Books, and the *Lord Bishop* blessed those that set up those *Ornaments*; a *Dove* in the *Font*, fluttering over the *water* to *sanctifie* it. Rot. Parl. 18 E. 3. num. 32, 33, 34. the *Commons* dealt with the *Provisors*, they complained they had not *Spiritual food*, for *Cardinals* put into Churches
Shoe-

Shoemakers and Taylors. 50 E. 3. *Item, The King*
 called *bonum Parliamentum*, a at the prayers
 complaint of the *Popes usurpation*, of the Com-
 mons, shewing
 to him by Peti-

tion, how that *Priests* become very scant after the Pestilence, to the great grievance and oppression of the People, hath spoken to the Archbishop of *Canterbury*, and the other Bishops, being in the *arliament*, to set thereupon a Covenable remedy; which Archbishops and Bishops, at the motion of the King, and of the great men, said in the same Parliament, that they have thereupon ordained in certain; that is to say, That the pain of Parish-Priests, by any manner of colour, receiving above 6 Marks, and other yearly singing, and not *intending* the Cure of Souls, taking above 5 Marks, without the Bishop's dispensation, and suspension of their Office, if they within the Month make not restitution, to the use of the Church in which they sing, of that that they have above received. And the pain of People of holy Church, giving above 6 Marks or 5 Marks to Parish-Priests, or other yearly singing, as afore is said, is to pay the double of that that they do excessively pay, to be converted to the use of Alms, at the Arbitrement of the Diocesan of the Place; and all manner of Priests, intending their proper Service, as yearly singing, shall serve the Parishes, and be attending to the Cure of Souls, as he by the Ordinaries of the Place, or by them to whom he attaineth, shall be required, upon pain of suspension of their Office, which they shall incur upon the deed, if they within the 20 days after that they shall be required, be not obedient to such requests. And that no Priest, passing from one Diocess to another, shall be received there to sing Divine Service, unless he shew to the Diocesan of the Place, Letters commendatory, of the Bishop in whose Diocess he last before dwelled. Wherefore the King, by the Assent of the Great Men and Commons, hath ordained, That if any secular man of the Realm, pay any more than Five Marks to any Priest yearly in Money, or in other things to the Value; or if he pay to such Priest, retained to abide at his Table, above 2 Marks, for his Gown, and his other Necessaries, (his Table accounted to 40 s.) and thereof be attainted, he shall pay to the King fully as much as he paid to the said Priest. *Rass. Stat. de Anno 36 E. 3. fol. 118. cap. 8.*

not feeding the Flock; *Rome* called the *Sinful City*, and that all the *Ill* that hath befallen this Kingdom, hath come from thence. 17 *R. 2. num. 22. 11. H. 4.* and a great many more *Presidents*; so that this *complaint* is proper for this place.

The 3d. head.

The third was, *Extortion* by orders of the *Archbishop*; and by their own *Canons* the *Fees* set down, these very much exceeded.

The 4th. head.

4. *Old Institutions* now registered, which is very dangerous for *disperisons*. They have not heard his *defence*. 40 *E: 3. inter Brevia*, a complaint against the *Bishop* of *Hereford* for *Non-residency*, not lying within his *Diocess*; all *Bishops* ought to be *Resident*, unless they be in the *Kings Service*: where the *People* are not taught, the *King* hath but half *Subjects*; the readiest way to make *Rebellions*. The Committee thought it worthy to be *transmitted* up to the *Lords*.
Re-

Resolved upon Question without a Negative, That this matter shall be transmitted up to the Lords, Sir Edward Cook to do it, and a Message to be sent to the Lords for a Conference about it.

The Commons desire their Lordships for a Conference, touching some *Accusations* against the Lord Bishop of *Norwich*, (unto which his Lordship hath not yet been heard) Humbly leaving the time and place to their Lordship.

Die Sabbathi,
viz. 8 die Maii,
1624. Jour.
Dom. Proc.
Message from
the Lower
House, by Sir
Coke, and others

The Lords appointed the 15th. of this Month to confer with the Commons, touching their Complaint against the Lord Bishop of *Norwich*; being returned, the Lord Arch Bishop of *Canterbury*, reparted the same to the House to this effect, viz.

Die Mercurii,
19 Maii.
The Lords appoint a day for Conference with the Commons.

That the Commons had received a Complaint exhibited by the Citizens of *Norwich*, against the said Lord Bishop, and to shew that it was ordinary for the Commons to complain of the Governours

The Archbishop of *Canterbury* reports the heads of the Conference.

Authorities for
the Power and
Right of the
Commons to
meddle in this
Cause.

nours of the Church, divers Records of Parliament; were cited, viz. Anno 25 E. 3. 17 R. 2. and 11 H. 4. all which were cited to satisfie tacite objectionis, for their meddling with a cause of this nature.

Their Charge
against the Bi-
shop under six
Heads.
Preachers.

That the charge against the Lord Bishop consisted of six parts.

1. That he *inhibited* or *dis-
harmned* Preachers on the *Sabbath*
day, in the *Forenoon*.

Images.

2. That *Images* were set up in
the *Church*, and one of the *Hoe*
Ghost, *fluttering* over the *Font*, and
a *Marble Tomb* pulled down, and
Images set down in the room, and
the *Bishop* *blessed* them that did it.

Prayer towards
the East.

Catechizing,
and singing
Psalms.

Nota.

Extortion.

3. That he *punished* those that
Prayed not toward the *East*.

4. That he *punished* a Minister
for *Chatechising* his Family, and
Singing of *Psalms*.

5. That he used *Extortion* ma-
ny ways.

Institutions not
entred.

6. That he did not enter *In-
stitutions* to the *prejudice* of *Pa-
trons*. For

For the *first*, it was said that there was 34. *Churches in Norwich*, and in those Parishes 30 or 40000 People; That the Lord *Bishop* sent for the *Preachers* by *Apparitor*, and told them there was no need of *Preaching* on *Sunday* in the *Forenoon*, except in the *Cathedral Church*, where 2 or 3000 only could hear, many dwelling three quarters of a Mile off, and many being old, and not able for their Age to come so far.

The 1st. head
concerning
Preachers.

That this *Inhibition* was, when the *King* had commanded more *Preaching*. That his *Lordship* connived at *Recusants*: All which was to the *disheartning* of good *Professors*.

It may be objected, his *Lordship* allowed of *Catechizing*, ergo no *Preaching* necessary; but he commanded to ask bare *Questions*, and nothing else, ergo no *Instructions*.

That this is done against the *Canons* of the *Church*; and that there

there is no obedience without knowledge; the outward man is not conformed, unless the inward man be reformed, and cited the Canons, *Quicumque contristaverit Doctorem veritatis, peccat in Christum*; and the Canon, 1 *Jac. c. 45.* for Command of Preaching,

The 2d. head
touching Images.

For the 2d. touching the setting up of *Images*, it was said to be against *Acts of Parliament*, against the *Canons* of the *Convocation*, the Book allowed in the King's time of 28 *H. 8. c. 30.* against *Images*; *Pilgrimages* will follow, against 3 *E. 6.* and the Homilies approved, *Anno 1 Eliz.* forbidding of *Images* in Churches.

The 3d. head
concerning
Prayer towards
the East.

The 3d. for *Prayer* to the *East*, which *Gratianus* affirms, came by Tradition, part 1. *Decret. 11.* and that it is Superstitious, *Lingwood* in his *Gloss. Lib. 2. Title de Feriis, non refert si versus orientem, &c.*

That the Lord *Bishop* *Excommunicated* many, and enjoyned *Pe-*

Penance to divers for not *Praying* to the *East*, and some did their *Penance*, with a whit Rod in their hand for proof, whereof it is under the Bishops hand.

The fourth, one Peck a Minister Catechized his Family, and song *Psalms*, and his Neighbours came in on the *Sundays* after Evening Prayer, and the Lord Bishop enjoined them to do *Penance*, for this their resorting to *Catechisme*, and singing of *Psalms*, and to say, I confess my *Error*; which Acknowledgment is under the *Bishops* hand, they which refused, were *Excommunicated*, and paid 7 l. charges.

The 4th. head touching Catechizing and singing Psalms.

5. Touching *Extortions* was shewn, That in the *Table of Fees*, is set down, from *Institutions* 24 s. 8 d. whereof to the *Bishop* 10 s. That this Lord *Bishop* is *Register* also; and now his Lordship taketh for *Institutions* 3 l. 5 s. and for united *Churches* double, viz. 6 l. 10 s. and that *Communi-*
bus

The 5th. head touching Extortion.

bus Annis, there are 100 *Institutions*.

For *admission* into *sacred Orders*, nothing should be taken; if any, it is *Symony*; yet the Lord Bishop hath now taken 30 s. or 28 s. the Bishop and Register being all one.

To serve Cure, 5 s. is due, his Lordship taketh 6 s. 8 d.

To teach School, 3 s. 4 d. his Lordship taketh 6 s. 8 d. and if of ability, 10 s.

For every *Consignation* of a Decree, 4 d. which cometh to 3 l. per annum, for which there should be nothing paid, no *Consignation* being in the Table, but with another Hand set down in Archbishop *Whitguist's* Hand.

The 6th. head
touching non-
Registring of
Institutions.

Sixthly, That the *Institutions* to *Benefices* are not registred, which overthroweth Patronages, if it be returned, *Scrutatis Archivis non invenitur*, when the Right comes in question; yet the Fees are greater than before:

The

The Commons concluded with these *two* Remembrances. The *first*, That they received this *Complaint* before *Easter* last, yet they proceeded not in the *Examination* thereof, till they received a Certificate of the *Mayor* of *Norwich*. The *second* is, That there is a Law that none shall be punished for complaining in *Parliament*.

The Conclusion
of the Com-
mons.

This Report ended, the Lord Bishop of *Norwich* stood up in his place, and answered the same to this effect, viz.

The Bishop
stood up and
answered the
Charge of the
Commons.
His Introduction.

*The Answer of the Lord Bishop of
Norwich, to the Complaint of
the Commons,*

First, his Lordship confessed the Charges in the said Complaint to be so great, and so grievous, that, were he *guilty* thereof, he would desire himself to be punished: Which, whether he be *guilty*, or not, he will leave to
their

their *Lordships* most exact and severe *Examinations*; wherein he desired them not to spare him, and he would ever acknowledge and commend their Justice and Honour.

His Lordship *protested* he was *not* way guilty of the *first* part of his *Accusation*; If he were, then he was *unworthy* to bear the *name* of a *Clergy-man*; and shewed the *unworthiness* of such as should *dishearten* Preachers from Preaching the Word of God: His Lordship shewed also, (desired first that he might not be taxed with Ostentation,) his own Practice in Preaching, while he was *Vicar* and *Parson*, That he Preached every *Sabbath* in the Morning, and Catechized in the Afternoon, and that he continued the like in *Chichester*, when he was *Bishop* there.

That in *Normich* he never missed the publick Place, and ever Preached there against *Poper*y, though

though he had been an unprofitable, yet he had not been an *idle* Servant, which was now his *only* comfort..

As touching *Preaching* and non-*Residents*, he hath been reckoned more than half a *Puritan*. His *Lordship* remembred his manner of leaving his Service with the late Lord *Archbishop* of *Canterbury*, that he might go to his *Cure*.

His *Lordship* wondred why he should be thought a *Papist*; he thought it might be long of his *Disputation*, and his *Sermon* at *Paul's Cross* of *Predestination* negative, unadvisedly preached by him, for which he was *checked* by the Lord *Archbishop Whitguist*, and commanded to preach no more of it; and he never did; though Dr. *Abbot*, *Bishop* of *Sarum*, hath since declared in Print, that which he then preached to be no *Popery*; *That Popery is a fire that will never be quiet*: He hath preached 100 Sermons since,

O

and

and nothing of *Popery* can be imputed unto him out of any of them.

That there be divers Obstacles to keep his Lordship from Popery.

1. The *Usurpation* of the *Pope* of *Rome*. His *Lordship* affirmed, That no *Power* on *Earth* can touch a *Prince*; and that therefore he *abhorred* the *Usurpation* of the *Pope* over *Princes*.

2. Their *Religion* is dyed with *Bloud*. The practick course of their *Religion* is all by *Juggling* and *feigned* *Miracles*, of which his *Lordship* had written a *Book* against them, which was never yet answered.

3. That he never spake with *Priest* or *Jesuit*, nor ever invited a known *Recusant* to his *Table*, for they never say *Amen* to our *Prayers*.

4. That their *Equivocation* is the last, worse than which nothing can

can be; *his Lordship held it much better to talk with the Devil, than with such.* Then *his Lordship profest himself to be a true Member of this Church, and acknowledged the Church of England to come nearest to the Primitive Church; that we fetch not our Reformation from Wickliff, Hus and Luther, of later Times, but from the first 400 years next after Christ.*

I. As touching the *first* part of the *Accusation* :

His Lordships
answer to the
first head,
Preachers.

His Lordship confessed, That 6 or 7 of the abler sort of Ministers in Norwich, used to expound in their own Churches before the Sermon begun in the Cathedral Churches, and many resorted from other Places to those Expositions, (for all the Churches have not Preachers,) and in the Afternoon to their Sermons.

The Preachers themselves found fault with this, being willing to be rid of the pains, as his Lordship thought; for they were to

preach in the Afternoon, and in the Week-days, and shewed him many Disorders therein, which they pretended; as the cutting off part of the Prayers, or their beginning so early, that many could not come to the Common Prayers, and the like; and they besought his Lordship to remedy it, for that they being but stipendary men, were loth to do it, for fear belike to lose their Stipends. Whereupon his Lordship sent for them by an Officer, and willed them to omit those Expositions in the Forenoon; and yet his Lordship hath since taken order for the erecting of three Sermons, in the most remote Places of the City from the Cathedral Church; and his Lordship hath erected many Lectures in several Places in the Countrey.

His answer to
the second
head, Images.

2. *As touching the Images in the Church, what was done is done without his knowledge. It is meant by St. Peter's Church, that*
his

his *Lordship* never saw that *Church*, till one Evening as he came by ; and being often before informed of much Cost done upon that *Church*, he went in, and *kneeled* down to his *Prayers*, as his use is ; and when he rose up, *perceiving* that they had bestowed *very great Cost*, and not seeing or knowing at all of any *Image* set up there, he said, *God's Blessing on their hearts, that had bestowed so much Cost on God's House.*

3. As touching *Prayer* to the *East*, he never *enjoyed* it, nor *heard* of it till now.

His answer to third head, Prayer towards the East.

4. For the 4th. part of his *Complaint*, he perceiveth, That he hath been *sifted* for the whole *course* of his *Life*: That this *Peck* was sent to his *Lordship* by the *Justices* of the *Peace*, for an *Assembly* late at night in his *House*, his *Catechizing* being but a *colour* to draw them *thither*: That this *Peck* had infected the *Parish*

His Answer to the 4th. head, Catechizing, and singing Psalms.

with *strange* Opinions ; as not to *kneel* when they came to *Church* ; that the Name of *Jesus* is no more than a *common* Name, and that it is *Superstition* to bow down at the Name of *Jesus*. His Lordship further *affirmed*, That this *Peck* had been formerly *convicted* for *non-Conformity*, *Annis* 1615, & 1617. and for *Symony*, and *Conventicles* in his Neighbour's house, as appears by the Acts of the Register, *Fatetur*.

And that *Anno* 1622. he was taken in his House with 22 of his Neighbours at a *Conventicle* : That he was now bound over by a *Justice*, and so brought to his Lordship, and his *Sentence* against *Peck* was only, That he should *confess* his Fault.

The others mentioned in this part of the Charge, were punished for their *Opinions* also, making no difference between an *Ale-house* and the *Church*, till the Preacher be in the Pulpit. His Lord-

Lordship said, He much confessed his fault, that in the Penance he enjoyned them, he caused them to confess their Errors, omitting their resort to Conventicles, which he did at their own earnest suit.

5. His Lordship *absolutely* denied, That he *improved* any *Fees*, and *affirmed*, he hath *not* any of those *Fees* that are complained of, *only* the *Fee* for *Institution*, which he *took* as his *Predecessors* did; if therein he hath *committed* any *Error*, *Erravimus cum Patribus*; and denied, that he ever had seen that *Table* of *Fees*, which is spoken of by the Commons.

His Answer to the 5th. head, Extortion.

6. His Lordship *affirmed*, That he had *registered* all the *Institutions*.

His Answer to the 6th. head, non-Registering Institutions

This was the *Effect* of the Lord Bishop's *Answer*; which being ended,

The Prince his *Highness* told his *Lordship*, That he had not answered touching the *Paraphrase* of the *Catechism* taken away by him. O 4 Where-

Whereupon his *Lordship* replied, That the *Preachers* used to choose a Text of the *Creed*, &c. and to ask the Child some one Question, and then to debate very long upon it, and never descend to the capacity of the Child: That his *Lordship* did not forbid the Explanation, but willed, that it might be Catechistically.

The Conclusion
of his Answer.

Thus ended the Lord *Bishop* of *Norwich* his Answer to the said Complaint.

The Lords for want of time refer the Commons Complaint to the High-Commission Court to examine.

And after report to the House.

Which will then judge thereof.

It is this day Ordered, that in respect of the *Streightness* of time, that the Complaint of the Commons against the Lord *Bishop* of *Norwich*, shall be referred unto the High Commission, to be Examined by them, and they to make Report thereof to the House.

And then the House will judge thereof.

Journ. Dom.
Proc. 1 & 2
Car. 1. 10 Mart.

XIII. *Timothy Pinckney* who had *Petitioned* the Lords 21 Jac. to be relieved for a Debt owing to

to him and others, from Sir *John Kineday*, and that *Barne Elmes* should be *Sold* for that purpose, which the *Lords* then ordered; And appointed a *Commission* to Issue out of *Chancery*, directed to certain *Judges*, to examine the pretences of the Creditors, and see them *satisfied*, he Complains now of the Bishop of *Lincoln*, late Lord Keeper, for refusing to grant out such a *Commission*, and *slighting* the Order.

The Proceedings of the Lords against the Bishop of *Lincoln*, late Lord Keeper, for refusing to obey their Order.

The *Committee* had taken the Depositions of *three* Persons, who had been first *Sworn* in the *House*; The *Lords* took into *consideration* this *contempt* of their Order, heard the Depositions read, and appointed Sir *Charles Caesar*, and Sir *Robert Rich*, to go and *Examine* one *Kelwood*, who was also *present*; when the said Lord Keeper refused to obey the said Order; and Minister an *Oath* unto him, to tell what he knows of any notice given to the Lord Keeper of the

the said Order, and who was present

Sir Ch. Caesar
and Sir Robert
Rich report
the Examination
of Kell-
wood.

The Lords or-
der that the
Bishop shall
answer under
his Hand.

The Bishop
sends his An-
swer.

March the Second, Upon Sir Charles Caesar, and Sir Robert Rich their Report, of their Examination of George Kellwood, touching the Bishop of Lincoln, not obeying the Order in the business of Pinckney, the Lords Order that the Deposition, after they had heard it read, and the Depositions of the other three Persons formerly taken to be sent to the Bishop of Lincoln, who was to return an Answer, under his hand that day following.

March the 16th. The Bishop of Lincoln sent his Answer to Pinckney's Complaint, according to the order of *March* the 2d. in Writing, to this effect; First, in general denied he should have Spoken any thing in contempt of their Lordships Order in Parliament 21 Jac. having always in his heart, born such a reverence to them, for non Arbitramur quenquam dicere quod non

non sentiat, and for the particulars, as he remembers, it being two years since, that there had been a mistake in the *Clerks* entering it, according to the sence of the *House*, and *Pinckney* had then concealed from their Lordships, a former Reference by the *Parliament*, and the *King* himself, to the *Lord Keeper*, the *Master of the Rolls*, and some *Judges*, who had made a *Decree* in it; And admit all were true, that is complained, yet he had omitted the time of the Complaint, of a *verbal* contempt, near two years being past, and two *sittings* of *Parliament*, wherein he had been silent; *Verbal Injuries*, according to the *Civil Law*, must be complained of within the year, *aliter remissa censentur*: Contempts must be pressed the next *Term*, or sitting of the *Court*, against which they are committed; *Scandalous* words against the *King*, must be Complained of within three Months;

Months; Words of *High Treason*, are by the *Laws* confined to be Complained of with in 6 Months.

All *Informations* against any Penal *Law*, made, or to be made, must come within the compass of *one year*, unless it be *Ex parte Regis*, who hath a year longer; And it is impossible for any Man to give an *Account*, of every phrase he shall use *Twenty Months* after the words Spoken, *Lubricum tantum linguae non est ad iudicium trahendum*, say the *Civilians*. And that his *Heart* did never conceive the least *Derogation* of any *Order* of that most *Honourable House*, on the bare intimation of any one Peer that sitteth in the same. One passage in his Answer, was, That *Kellwood*, and especially *Kennedy* (a Man Condemned to Death in *Scotland* for Forgery,) are Persons *Infamed*, and their Credits to be Examined before they be admitted as *Witnesses* against a Peer of the *Realm*,
and

and a Lord *Keeper* of the *Great Seal*, as he then was. At the end of the Paper was Written, *Recepti 5. Expediit 9 Martii 1625. John Lincoln.*

This Answer was *referred* to the *Committee for Petitions*, to consider what's fit to be done for the clearing of the *aspersion* laid by the *Bishop*, on the *Lords Sub-Committees* appointed for the *Journal Book*, and what for the relief of *Pinckney*; for those had certified it to be a *true Order*; Notwithstanding he said it was mistaken by the *Clerk*, and had not obeyed it.

The Bishop's Answer referred to a Committee.

The *Committee Report*, they find *two* defects in this Answer:

17 Martii.
The Committee report.

1. That he doth not *clearly* acknowledge his *Contempt* in not obeying the *Order*. 2. His *As-*

persing the *Lords Sub-Committees*, by *saying*, it was a mistaken *Order*, when they had *certified* it a true one. Their *Opinion* is, That the *Sub-Committee* be *cleared*, and the *Bishop* acknowledge it a true

And give their opinion, that the Bishop ought to acknowledge his error and offence, to be sorry, and ask pardon.

Order,

Order, and signifie to the House, that he is sorry he was so mistaken, and thereby given just offence to the House, and to the Lords of the Sub-Committee; then Acknowledge his Error, and ask their pardon, so Ordered.

And so ordered
by the House.

May it please your most Honourable Lordships.

Die Jovis,
23 Martii.
The Bishop
pursuant to all
which obeys.

Nota.

His Contempt
in a former
Parliament
censured in
this.

YOur Lordships having resolved the order touching *Pinkney* of the 28 of *May* 1624. To be an *Order* of that Most Honourable House, truly and justly entered; I do most willingly acknowledge as much, and am very sorry, that through a weak memory, and information of some parties interested, who pretended to have searched the Clerks Book the 29 of *May* 1624. And to have found there at that day, no ground at all for any such Order; I have had in my thoughts some scruples to the contrary, to the

the offending of the most Honourable House, or any one of the Lords of the Sub-Committee, who (as I now understand) have Subscribed the said Order; And I do Humbly desire your most Honourable Lordships in General, and those Noble Lords in Particular, to Pardon the Errour I have herein committed, and I shall pray unto God to bleß and prosper your most Honourable Lordships.

John Lincoln.

Which Acknowledgment their Lordships all accepted in full satisfaction from the said Lord Bishop.

XIV. Ordered, Ensign *Reynde* to be sent for, and brought up as a Prisoner before the Lords, to answer a high Contempt against the Parliament. The Witnesses who have informed thereof, are to be required to attend when *Reynde* comes.

Journ. Dom.
Proc. 3 Car. 1.
Die Martis,
27 Maii.
The Case of
Ensign *Reynde*,
for Misdemeanour, and Contempt against the Parliament and the Ld. Say

Die Veneris,
30 Maii,
The Serjeant at
Arms ordered
to take him.

Ordered, the *Serjeant at Arms* to make such and so many *Deputies*, for the apprehension of *Henry Reynde*, as the Lord *Say* shall appoint, and his *Captain* to be *warned* to bring him *hither* by a day.

Die Martis,
30 Junii.
Witnesses sworn
against *Reynde*.

These *men* were sworn touching the Information against *Henry Reynde*, Ensign-Bearer to the Souldiers at *Banbury*, viz.

George Phillips. *Obadiab Lord.*
John Hayns, *John Hele.*

Who prove the
insolent and
opprobrious
Speeches spoken
by *Reynde*.

And being examined, did *testifie* the *insolent* and *opprobrious* Speeches spoken by the said *Ensign Reynde*, against a Peer of the *Realm*, and his contempt of this *High Court of Parliament*.

The *Lords* considering that the said *Reynde* was by *Order* of this *House*, sent for by the *Serjeant* the 27th. of *May*, and could not be found, but yet came early one *Morning* to the *Clerks Office*,

to

to understand whether any other
cause of Complaint was against
him, save the *Information* of those
opprobrious *Speeches*; and in-
stantly departed, and ever since
hides his head.

Reynde hides
his Head..

Their Lordships Order.

Elvenston his Captain to be sent
for, to be here to morrow Mor-
ning.

And the *Duke* of *Buckingham*
did declare his opinion, that the
said *Reynde* deserved a *severe cen-
sure*; and *promised* to the *House*, to
lay all the *Ports* for him, and if
he can be found, or shall ever
come into the *Army*, he will *cause*
him to be *sent*, to receive such
censure as shall be agreed on against
him.

The Duke of
Buckingham
promises he will
cause him to be
sent for.

Captain *Elvenston* being called
before the *Lords*, did *affirm* that
he had not seen his *Ensign* *Henry*
Reynde this *Fortnight*, and *thinks*
he is not in *Town*; He was com-

Die Mercurii
4 Junii. The
Captain affir-
med he had not
seen *Reynde*.

Is commanded
to bring him to
the House when
he finds him.
Or inform the
House.

Die Lunæ,

9 Junii.

The Lords pro-
ceed to censure
Reynde.

But the Duke
inform'd the
House he was
found.

Journ. Dom.
Proc. die Mer-
curii, 11 Junii.

manded to bring him to the *House*
whensoever he shall *find* him, and
so soon as he shall understand
where he is, to inform the *House*
thereof.

The Lords *taking* into *conside-*
ration, that *Henry Reynde* will not
be *found*, and *Resolving* to pro-
ceed to a *censure* against him, for
his *Ignominious Speeches* of the
Parliament, and of the *Lord Say*,
they first voted and *adjudged* him
unworthy to bear *Arms* hereafter,
or to be accompted a *Souldier*.

Then their Lordships propoun-
ded divers other *parts* of a *Censure*
against him, but the *Duke* of
Buckingham coming in before the
Conclusion thereof, his Grace *told*
their Lordships, that the said
Reynde is now *found*. Where-
upon it was *Ordered*, the said
Reynde to be brought hither to
morrow Morning.

The *Duke* of *Buckingham* ex-
cused himself, for not *bringing* of
Reynde to his answer according to
his

his promise ; for that he *shifts* his *Lodging* every night , but *promised* again to *do his best* to bring him to morrow Morning.

The Duke excuseth himself, because *Reynde* shifts his Lodging.

Ordered, If *Reynde* do not appear here to morrow Morning, then to *proceed* against him in the *censure*.

The *Lords* were put in mind of their *Order* yesterday, if *Reynde* were not brought this Morning, to *proceed* to sentence against him notwithstanding. *Whereupon* the Duke of *Buckingham* signified unto their *Lordships*, with what care and *industry* he had endeavoured to bring the said *Reynde* before their *Lordships*, but he is so apprehensive of their *censure* which he *deserves*, that he cannot be found ; *Yet his* Grace said, he *doubted* not but to bring him to morrow Morning, and desired their *Lordships* to proceed notwithstanding ; now in their *sentence* against him, and with the

Die Jovis,
12 Junii, 1628.
The Lords give
Sentence against *Reynde*.

more severity, because he had so often deceived his Grace.

The Sentence.

The sentence of the Lords Spiritual and Temporal in Parliament assembled, against Henry Reynde, Ensign-bearer to the Band of Soldiers Billeted in Banbury, for the Ignominious Speeches, uttered by the said Reynde, against the said Lord Say and Seal; And for his contempt of this High Court of Parliament; which sentence was this day pronounced against him, by the Lord Keeper, (*viz.*)

Never to bear Arms.

1. He the said Henry Reynde is never to bear Arms hereafter, but is accompted unworthy to be a Souldier.

Imprisonment during pleasure.

2. He is to be Imprisoned during pleasure.

To stand under the Pillory in Cheap-side and at Banbury.

3. He is to stand under the Pillory, with Papers on his Head, shewing his Offence; at Cheap-side, London, and at Banbury.

Fined 200 l.

4. That he is to be Fined at 200 l. unto the King.

5. He

5. He is to ask *forgiveness* here, of all the *Lords* of *Parliament* in general, and of the *Lord Say* and his *Son*, both here and at *Banbury*.

To ask Pardon here, and at Banbury.

And it was then also *Ordered* by their *Lordships*, that the *Lord Keeper* should move his *Majesty*, for the *House of Parliament*, to apprehend the said *Reynde*, with a *promise* of reward unto him that that shall take him.

The Lord Keeper to move the King for a Proclamation to apprehend him.

And it was then also *Ordered*, that the *Kings principal Secretary*, shall *Write* unto his *Majesties* Agent in the *Low Countries*, that he *signifie* this *censure* of the *Lords*, unto all the *Colonels* and *Captains* there, and that his *His Majesties* pleasure is, they give no *entertainment* to the said *Reynde*.

The Secretary to write into the Low-Countries, not to entertain Reynde.

And the *Court of Star-Chamber* is to put this *sentence* in *Execution* against the said *Reynde*, if he shall happen to be *apprehended* after this *Session* is ended, and out of time of *Parliament*.

The Court of Star-Chamber to see the Sentence executed out of time of Parliament.

The Lord *Say* (who withdrew himself, when the Lords gave this *Sentence*) gave their Lordships *Humble* thanks, for the *sense* they had of his *Honour*, and their *Noble* zeal they had in preserving of it.

Die Sabbathi,
14 Junii.

Ordered, the *Court* of *Star-Chamber* to put in *Execntion* the *Sentence* against *Reynde*.

Journ. Dom.
Proc. 1 & 2
Car. 2. 13 Jun.
The Case of
George Gardi-
ner, for counter-
feiting Prote-
ctions.

XV. Whereas *George Gardiner* did lately stand in the *Pillory*, by the *Censure* of the *House*, for counterfeiting of *Protections*, and selling them ; it was now informed, that he did not only in *scorn* thereof say, that he would stand in all the *Pillories* in *England* for 2 s. *per diem*, but also gave out *threatning* Speeches against the *Lord Keeper* ; wherefore he was this day brought to the *Bar*, and the *Speeches* proved against him.

It was *Ordered*, That he should stand in the *Pillory* here at *Westminster* with a *Paper* on his *Head*, declaring his *Offence*, for scandalizing

TO
William Williams Esq;
SPEAKER
OF THE
HONOURABLE
HOUSE
OF
Commons,

THE AUTHOR

Humbly Dedicates these his

Miscellanea Parliamentaria.

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THE CONTENTS.

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§. 2. Some Presidents, where-in the *House of Commons* have for Misdemeanours turned out and discharged their *Members*. Pa. 90.

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T H E

lizing the Justice of this House, and unjustly slandering the Lord Keeper, and to ride backward with the same Paper to the Cross in Cheap-side, and to stand in the Pillory there, and to ride back to the Fleet in like manner.

And whereas *George Buttrice* and this *George Gardiner* (*Buttrice* also having bought a counterfeit Protection) have commenced Suits against one *Henry Lane*, who first informed the Earl of *Huntingdon* thereof, whose *Protections* were counterfeited and sold, the said Suits not being for just Debt, but for meer vexation, as in the Petition of the said *Henry Lane* is contained:

It is Ordered, the said *Gardiner* and *Buttrice* to stay all Suits against the said *Lane*, for the Causes in the said *Petition* contained.

XVI. Sir *Walter Earl* Reports from the Committee about the *Duty-Lieutenants*. *Sir*

Journ. Dom.
Com. 3 Car
Friday, 9 May.

The Case of
Sir *William*
Welby a Deputy
Lieutenant, for
raising Money,
and illegal
Commitments.

Sir *William Welby*, a Deputy-Lieutenant for *Lincolnshire*, is complained of, that he sent a *Warrant*, as a Deputy-Lieutenant, to commit two Persons to *Gaol*, for refusing to pay certain *Taxes* for *military Affairs*. Also one Mr. *Norwood* complains, that it is the usual course of the said Sir *William Welby*, to raise great sums in the *Countrey* in *military Affairs*, but it is for the Charges of himself and others at *Musters*. Also he having two Sons Captains in the *Countrey*, he orders that every *Souldier* pay their Captain 6*d.* a day every time they *muster*; and though these Causes were complained of the last Parliament, yet he doth not desist.

The Warrant was read,

His Warrant.

For that *I. S.* refuseth to pay certain sums of Money for *military Affairs*; These are by *vertue* of our Deputy-Lieutenancy to require

quire you, to bring the Body of I. S. &c. before me, or some other Deputy-Lieutenant.

I send you herewithal the Body of I. S. for that he denieth to pay military Charges; and also denieth to enter Bond to appear at the next *Affizes* for his said refusal.

And Commitment.

It was Ordered, that he be sent for by the Serjeant, and brought to the House.

Sent for by the Serjeant.

Saturday the 10th. of May, Sir William Welby was called in to answer. There was a *Question*, whether he should come in a *Delinquent*, and kneel, or no; and it was Ordered, that he should not kneel, only be asked by the *Speaker*, about the Warrants exhibited touching the levying of Money for military Affairs: He said, he could not deny them, but said, he never imprisoned any but those two, *Palmer* and *Sparks*; and he said, that upon the meeting of *Musters*, he used to have his

His Answer at the Bar.

his *Charges* born by the *County*, and so it was ever used in that *Countrey* for 40 years ; and as for 6 *d.* a piece, that is paid by every *Souldier* of the trained *Bands*, unto the *Captains* of the *Bands* who are his *Sons*, he said, that it was ever used to be done, but he never *compelled* any. And as to the rate of 1 *d.* an *Acre*, he said, it was by vertue of an *Order* made at the *Sessions* in the *Countrey*, and that he knew there was a *Complaint* of it the *last Parliament*.

After he went forth he was called in again, and told, that the *House* was not satisfied with his *Answer*, and that it was the *pleasure* of the *House*, that he should *attend* the *Committee* from *day to day*, and this *House* also, whensoever he should be *required*.

To attend the
Committee
and House.

Journ. Dom.
Com. 3 Car.
Wednesday,
21 May.

XVII. A *Complaint* was made against the *Mayor* of *Chichester*, by one *Mr. Higgons*, who *com-
plained*,

plained, that a *Lientenant* with four *Souldiers* came to his House, and surprized him in his *Study*, and he sent for the *Mayor* to see the Kings Peace kept ; and the *Mayor* contrary to his duty, sent no aid ; and at a *Sessions* to enquire of a *Ryot*, the Bench and the Hall was full of *Captains* and *Souldiers*, so as he withdrew himself; and they *Indicted* him for *Assaulting* a *Souldier*, and it was found.

The Case of
the Mayor of
Chichester.

Cox also complained against the *Mayor* there, who sent a *Serjeant* to them, to demand *Twenty Shillings* by way of *Loan*; which being refused, six *Souldiers* were sent to his House; so he was forced to lend the *Money*.

It was proved, the *Money* was *Paid* and *Enforced*; But it did not clearly appear, that the *Mayor* enforced it, but there were *Presumptions*, the *Captains* and six *Souldiers* came from

from the *Mayors* House; So
there being no proof against
the *Mayor*, the *Committee* Or-
dered, that the *Mayor* be dis-
missed, till the *Pleasure* of the
House be further known.

A Collection of some few Records and Presidents, out of many others of the like nature; Whereby it appears, that the Kings of England were pleased to Consult and Advise with their Parliaments, de Arduis negotiis Regni, of the weighty and difficult business of the Kingdom.

Vide the ancient Rights of the Commons of England asserted, &c. p. 13.

1. **A**Nno 16. Johannis, Before the granting and confirming of Magna Charta in his time, the Prelates, Earls, Barons, great Men and the Citizens and Burgeses were at a Parliament at London, to give consilium & auxilium, Counsel and Aid, for the Honour of the King, (being then personally in France, in War with the French King,) their own, and the safety of the whole Kingdom.

Inter Communia 17 E. 3. penes Rememoratorem Domini Regis in Scaccario. Record. War. de prioribus de Coventry attach. pro transgressionibus.

2. Anno 29. H. 3. The King summoned a Parliament touching the Marriage of his Daughter, where the Magnates & Communitates Regni, the great Men and

Q

Com-

Appendix.

Commons of the Realm, *spontanea & mera voluntate*, granted a *Subsidy* to the King.

Ibid.

3. *Anno 32 H. 3.* The great Men and *Commons* of their free and *meer* Will gave a *Subsidie* in *Parliament* to Marry the Kings Eldest Sister to *Frederick* the Emperour.

Rot. Pat. 37
H. 3. m. 12 dor-
fo.

4. *Anno 37.* at a *Parliament* then held at *London*, concerning the great *Affairs* of the *Kingdom*, and *Foreign* parts, *Magna Charta* was confirmed, *Rex Magnates & Communitas populi* being present; and by their *consent* the *Grand Excommunication* against the *Infringers* of *Magna Charta* was denounced.

Raft. Stat. fo.
15.

Rot. Pat. 42.
H. 3. m. 4.

5. *Anno 42 H. 3.* In the *Parliament* at *Oxford* several *Ordinances* were made for *Redress* of *Grievances*, *A la request de noz haus homes e prades homes e de Commune de notre Reaume*, at the request of the *high Men*, the good and *honest Men*, and of the *Commons* of the Realm. 6. *Anno*

Appendix.

6. Anno 48 H. 3. The Articles of Peace between the King, Prince and Prelates, Peers and all the Commons of England were generally and unanimously approved of, at a Parliament at London, *De consensu voluntate & præcepto Domini, Regis, necnon Prælatorum, Baronum ac etiam Communitatis tunc ibidem præsentium.* By the unanimous consent, will and command of the King, of the Prelates, Barons, and also of the Commons, being there present.

Rot. Pat. 48.
H. 3. m. 6. dor.
Forma Pacis inter Regem & Barones.

7. 49 H. 3. The King complains that the Earl of Gloucester and others had circumvented Prince Edward. *Et ad partem suam, proh dolor proditoria attraxerunt proprii contemptu Sacramenti.* Against the form of the Kings and Princes Oath, of the Prelates, great Men, & *Communitatis Regni unanimi assensu & voluntate nuper London, provis.*

Rot. Pat. 49.
H. 3. m. 13. in-
tus n. 54.

8. Anno eodem, The Knights, Citizens and Burgeses were sum-

Rot. Claus. 49.
H. 3 m. 11. dor.
in Schedula.

Appendix.

moned to Parliament in the U-
tanes of St. Hillary, *nobiscum &*
cum Prelatis & Magnatibus no-
stris tractaturi & Consilium suum
impensuri, To treat and give their
Counsel with the K. Prelates, and
great Men, touching the settling
of the disturbed condition and
state of the Kingdom.

Rot. Pat. 51
H 3. m. 16.
pro pace inter
Regem & Com.
Gloucester

* Richard Earl
of Cornwall.

9. Anno 51. H. 3. The King, per
le Conseil & lassentement le * Rei
de Alemaine, & de Countes, &
de Barons & del Comman de la-
terre, By the counsel and assent of
the King of Almain, and of the
Earls, and Barons, and of the
Commons of the Land, pardoned
and released the Earl of Glouce-
ster, and all his Company, &c.

Ibid.

10. And the King in the same
Parliament, per le Conseil & las-
sentement le Rei de Alemaine &
les Countes, & de Barons, & le
Commons de laterre, By the counsel
and assent of the King of Almain,
and of the Earls, Barons and the
Commons of the Land, pardoned
and

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and released the Londoners, &c.

11. Anno 54 H. 3. The King and Prince having undertaken the Crusado for the Holy-land. *Quia tamen Prelatis Magnatibus & Communitati Regni non videtur expediens nequiratum*, that they should be both out of the Kingdom *istis Temporibus*. It was agreed the Prince should go, and a *Subsidie* was granted to the Prince by the Parliament.

Rot. Pat. 54.
H. 3.

12. Anno 11 E. 1. Lewellin Prince of Wales being in Rebellion, the King undertakes the War against him, *de Consilio Prelatorum pracerum & magnatum nec non totius Communitatis ejusdem Regni*, by the Counsel of the Prelates, Peers, great Men, also of the whole Commons of the Kingdom:

Rot. Wal. 11
E. 1. m. 4. n. 2.
dorfo.

est quod erimus apud Novum Castrum super Tinam cum equis & armis die Sancti Petri Advincula pro quibusdam transgressi-
onibus quas Rex Scotia Nobis fecit emendas super eum conque-
rendas nisi &c.

Rot. Claus. 28
H. 3. m. 8. dor.
Rex, &c. Sci-
atis quod de-
Communi Con-
silio Regni no-
stri provisum

Appendix:

Rot. Claus. 28.
E. 1. 1m. 3. dor.

Rot. Claus. 24.
E. 1. m. 4. d.

*de Parlamento
tenendo*, The
French King
having invaded
Vascony by
Fraud and
Wickedness
The K. in his
Summons to
Parliament,
saith, *Quod*

*omnes tangit ab omnibus approbetur sic & inuit evidenter
ut communibus periculis per remedia provisã communiter obviatur,
for prẽvisa jacula minus ledant.*

Plita Parlia-
mentaria p.
318, 320.

13. *Anno 28. E. 1. The King
in his Writ of Summons to Parli-
ament, directed to the Sheriff of
Cumberland, saith, volentes cum
Prelatis, Commitibus, Baronibus
& Magnatibus supradictis & cum
aliis de Communitate dicti Regni
super hoc & quibusdam aliis ardu-
is negotiis nos & statum Regni
tangentibus habere colloquium &
tractatum, &c.*

14. *Anno 35. E. 1. At the great
Parliament held at Carlisse, the
Record saith, that Knights, Citi-
zens and Burgesses were summoned
to the Parliament, Ad tractand.
&c. Super ordinatione & Stabi-
litate terræ Scotiæ, necnon aliis
negotiis dictum Regem & statum
Regni sui spetialiter tangen.* being
the same Words which were for
the great Lords in their Sum-
mons.

15. *Anno*

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15. Anno 9 E. 2. At the Parliament at Lincoln, the King in plain Parlement caused to be declared the causes of the Summons thereof, *Pro diversis & arduis negotiis ipsum & statum Regni*, and especially *pro statu terre sue Scotiæ perimimicos suos pro parte occupata supplicans & injungens Prælati proceribus & cæteris fidelibus subditis suis ibidem existentibus ut sibi in præmissis consulerint & sibi facerent auxilium oportunum*, which they did.

Inter memoranda Parliamenti, 9 E. 2. m. 18.

An. 16 E. 2. A Marriage being propounded between Prince E. after E. 3. and the Daughter of Charles of Valois. The King (not when he was under the power and fear of the Barons, but after he had vanquished them, and had beheaded Thomas Earl of Lancaster his Uncle, and was attended and guarded by his two great Minions the Spencers,) declares in his Letter to Charles, thus Recorded.

Appendix.

Rot. Claus. 16.
E. 2. m. 7. dor.

De Matrimonio inter *Edwardum*
primogenitum Regis & filiam
Caroli Comitis de *Valois* con-
trahendo.

AUdivimus & super eisdem
deliberationem hujusmodi cum
aliquibus de nostro Consilio & tra-
ctatum. Verum quia tam nobis quam
illis visum est non esse expediens
neq; decens quod contractus hujus-
modi absq; Prælatori & Magnatum
Regni nostrum Consilio & assensu
in Parlamento requirend. & fir-
maretur, & vestre sinceritati duxi-
mus intimand. quod cito post festum
Sancti Mich. prox. ventur. Parlia-
mentum nostrum proponimus con-
vocare & tunc de Commun Consilio
super dicto negotio ordinare
curabimus quod vobis placitum no-
bisq; & Regno nostro utile fore
videbimus & decorum dat. apud
Thorp. juxta Ebor. 6. die Ju-
nii.

And

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And King Edward further writes to Charles King of France and Navar about that Marriage.

Rot. Clauf. 16.
E. 2. m. 7. cor.

Set super eodem in prox. Parlamento nostro quod statim post festum Sancti Mich. prox. futuri tenere proponimus deliberationem & tractatum pleniorum habere intendimus & tunc inde taliter ordinare quod inde debebetis merito contentari Dat, &c.

16. Anno 13. E. 3. licet nuper de Consilio & assensu Prælatorum & procerum & Communitatis Regni nostri nostrum assumptes passagium ultra mare, &c.

Rot. Par. 13. E.
3. pars. 1. m.
11.

17. Anno 14 E. 3. It was proposed to the Grauntz & autres des Communes in Parliament, to treat and ordain touching the War then with France, the keeping of the Peace of the Land, and the marches of Scotland, and of the Sea.

Rot. Parl. 14.
E. 3. pars 1.
n. 2.

18. Anno 17 E. 3. It was propounded in plain Parlement that the War was attempted and begun by the common consent des Pre-

Rot. Parl. 17.
E. 3. n. 8,

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Prelatz, Grantz & Communes, and that the *King* would not treat of *Peace* without their *assent*, and thereupon it was *commanded* to the *Prelates* and *Grantz* to assemble themselves in the Chamber *Blanch* to treat, conclude and *assent* amongst themselves, whether the *King* should send *Ambassies* to *Rome*, to shew and propose his *Title* to *France* before the *Pope*; and in the same manner it was charged the *Knights* of the *Shire*; and the *Commons* to assemble in the Chamber *depeint*, to treat, conclude and *assent* amongst them upon the same business, and to give their *Answer*, & *lour assent en dit Parlement*.

Nota.

Rot. Parl. 18.
E 3. n. 5. vide
Rast. Stat. fo.
86.

20. In the *Parliament* 18. E. 3. The *King* by his *Chancellor* prayed and charged the *Prelates*, *Earls*, *Barons* and *Commons*, that they would consider touching the *Articles of Truce* between the *King* and *France*, and that they would *mettre leid & le Conseil* give

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give their *Aid* and *Counsel* for the *Salvation* of the *Rights* and *Honour* of the *King*, & *de eux meismes*, and of *themselves*.

21. Sir *Bartholomew Burghurſt* the Kings *Chamberlain* declared in *Parliament*, That there was a *Treaty* of *Peace* between the *King* and the *French*, and good hope of a final *Accord*, but the *King* would not conclude *ſanz aſſent des Grantz & ſes Communs*; Whereupon the *Chamberlain* required and demanded, on the behalf of the *King*, whether they would *aſſenter & accorder* to the intended *Peace*.

Rot. Parl. 28.
E. 3. n. 58.

To which the *Commons d'unafſent & d'unaccord*. Answered, that what *Issue* the *King* and *Grantz* should take in the said *Treaty*, should be agreeable to them: Upon which *Answer* the *Chamberlain* said to the *Commons*, Then you will assent to the *Treaty* of *Peace* perpetual, if it may be had; to which the *Commons* Answered,

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red, *Entierment & unement. oib*
oil, yes, yes ; And thereupon it
was *commanded*, that Master Mi-
chel de Northburgh, Gardeyne of
the Privy-Seal, and Sire John de
Swinley Notair Papal, should make
an *Instrument* publick thereof.

Rot. Parl. 43.
E. 3. n. 1.

22. Anno 43 E. 3. The Chan-
cellor, in his *Oration* before the
King, Lords and Commons, thus
expresseth himself : *Sires*, the
King in all his great business which
concerned *himself* and his *King-*
dom, de tout temps, hath acted
and done, *by the* counsel and ad-
vice of his *Grandz and Commons*
of his *Realm*, which he hath
found in all his Affairs, *Bons &*
Loyalz, good and faithful, for
which he thanketh them, *de grant*
cuer & volunte, and that it was
not *unknown* to them that the
King had taken upon him the
Claim and Right to the *Realm* of
France, per lavis & conseil de ses
Grantz & Communes, *by the ad-*
vice and counsel of his great Men
and *Commons*

22. 7 R. 2.

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23. 7 R. 2. The King called a Rot. Claus.
R. 2. n. 37. 7.
Parliament, to consider of a Peace between him his Kingdom, Lands, Dominions, and Subjects, *ex una parte, & magnificum principem Robert of Scotland*, and his Lands, Dominions, and Subjects, of the other part; *mediante consilio & assensu Prælatorum procerum magnatum & Communitatis Regni Angliæ*, by the counsel and assent of the Prelates; Peers, and great Men and Commons of the Kingdom of *England*.

I will pass over the rest of the several Authorities in this King's Reign, and so of *H. 4.* except this one.

24. In the Parliament 9. *H. 4.* in that great *Record* called *Indempnitie des Seigneurs & Communes*, the King, by the advice and assent of the Lords, willed, granted and declared that in that and all future Parliaments, it should be lawful for the Lords to debate and commune amongst themselves,

Ex Rot Parl.
tenti apud
Glouc. 20 die
Ostobris Anno
Regni Regis H.
4. Post Conque-
stum 9. m. 8. n.
21. Indempni-
tie des Seig-
neurs & Com-
munes.

de

Appeuix.

de Leſtate du Roiaume & la remedie a ce buſoignable of the ſtate of the Kingdom, and the neceſſary Remedies; and it ſhould be *lawful* likewise for the *Commons* on their part to commune in the *ſame* manner.

Rot. Parl. 3.

H. 5. pars 2.

25. Anno 3 H. 5. The Chancellor at the Re-aſſembly of the *Parliament*, declares, (the King being preſent) the *cauſes* of their calling; which was, that *Peace* had been *offered* him by his adverſary of *France*; the which, without the *aſſent* and good Counſel of the *Eſtates* of his *Realm*, he would not conclude; And that the *King* of the *Romans* deſiring *Peace* and *Unity* in the Church *Universal*, and alſo between the *Chriſtian* Realms, was come over hither with *Propoſitions*, which he had not yet declared to the King, but in a ſhort time would ſhew them. Upon the which, the King would take the Advice, *de ſon treſſage Conſeil*, of his moſt wiſe Counſel.

26. An-

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26. *Anno 4 H. 5.* The League and Alliance between the King and *Sigismund* the Emperour and King of the *Romans* was ratified and confirmed, upon due and solemn Treaty thereof, by the common consent and assent of all the Archbishops, Bishops, Dukes, Earls, Barons, & *toute autres Estates Espiritualz & Temporalz*, and other *Estates Spiritual and Temporal*, and also of the *Commons* of this *Realm*, in the said Parliament assembled.

Rot. Parl. 4.
H. 5. n. 14.

La confirmation des Alliances perentre le Roy & le Roy des Romains prisez & accordez

27. *Anno 9 H. 5.* A Peace being concluded between *Henry* King of *England*, and *Charles* the French King, it was mutually agreed, that the Articles thereof be ratified and confirmed *per tres Status*, of both Kingdoms; which being approved, concluded accepted and allowed of, by the three Estates in *France*, *videlicet*, *Prelator. & cleri necnon Procerum & Nobilium*, ac etiam *civium Burgensium civitatum villarum & Com-*

Rot. Parl. 9.
H. 5. pars 1.
n. 14.

Approbatio pacis inter Regem Angliæ & Franciæ nuper conclusæ.

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Communitatum dicti Regni. The Articles was after *mature deliberation* confirmed *per tres Status Regni, Angliæ vid. per Prælatos & clerum nobiles & magnates necnon Communitates Regni ad Parliamentum apud West.* qui quantum ad eos & singulos eum pertinet obsequituros & impleturos promiserunt.

Rot. Parl. 9.
H. 5. n. 18.
De potestate tractand. de pace cum Dolphin, &c.

28. Anno 9 H. 6. It was ordained by the Lords *Spiritual* and *Temporal* and Commons That the *Dukes of Bedford and Gloucester* and my *Lord Cardinal*, and others of the *Kings Bloud* and of his *Counsel*, may treat of *Peace* with the *Dauphin of France*, notwithstanding the Act formerly made to the contrary; which was, That the *King of England H. 5.* or the *French King* should not enter or make any *Treaty of Peace*, or of *Accord* with *Charles the Dauphin*, without the *assent* of the *three Estates* of both *Realms*.

Rot. Parl. 23
H. 6. n. 24.

29 Anno 23. H. 6. Whereas by the *Articles of Peace* made between

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tween H. 5. and Charles the 6th of France, it was agreed there should be no Treaty or Accord made with the Dauphin of France, without the assent of the three Estates of both Realms, which Articles were afterwards Enacted and Authorized here by Parliament; It was Enacted by the assent of the Lords and Commons, that that Article should be void, eryt, cassed adnulled and of none Force, and none to be impeacht for advising and acting in the said Peace.

30. The Archbishop of Canterbury, Rot. Patl. 25
Chancellor of England, declared H. 6. n. 1.
the causes of the Summons of the Parliament (the King present) and amongst others, that between the Ambassadors of King H. and the French King; There was an appointment de personali conventione of a personal meeting between the two Kings in *partibus transmarinis*, which if it should happen *ut speratur* to provide not only for the safe and secure preservation

R vati-

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vation of the person of the King, as well in his Conduct, *ad dictas partes transmarinas*, as in his being there, but also for the safe and sure conservation of the Peace within the Kingdom, and other his Dominions (during his absence) out of the Realm, and for ordaining a provision thereof.

Tractatum & maturam deliberationem cum sano & salubri Consilio trium Statuum dicti Regni necessario exigit & requirit; and after concludes his Speech: *Qualiter prefatus Rex ad tractandum & consulendum cum prefatis proceribus & magnatibus supradictis & Communibus Regni sui hujusmodi provisione faciend. & habend. Parliamentum suum predictum fecerat convocari:* Therefore the King had called his Parliament, to treat, consult and advise with the Peers, and great Men and Commons of the Kingdom, how such provision may be done and had.

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31. Anno 11. H. 7. The Articles of Truce and Peace between Charles the French King, and King Henry, was agreed to be ratified, accepted, approv'd and confirmed, per tres Status utriusque Regnorum videlicet per Prælatos, & Clerum nobiles & Communitatem eorundem Regnorum auctoritate Parliamentorum; Which was after done.

Rot. Parl. 11.
H. 7. n40.
An Act concerning the Peace between the King of England and the King of France

32. Anno 3 H. 8. Dominus Cancellarius ex mandato Regis ostendebat Dominis hic præsentibus causas Secretiores hujus Parliamenti summonitionis primam concernentem Regem Scotiæ & multumodas injurias subditis Regni Angliæ illatas. Secundam, Et bellum inter Regem Castelli & Ducem Gildriæ ejus affinitatem & terram concernentem Dominum summum Pontificem, Tertiam, Et dissensionem inter ipsum & Ludovicum Francorum Regem lectumque fuit per Magistrum Rotulorum breve Apostolicum in vulgari translati-

Jur. Dom. Proc
Anno 3. H. 8.
15 die Parliamenti.

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*one continens contumelias dampna
& injurias Sanctæ sedis Apostolica
& Romano Pontifici per Ludo-
vicum Gallorum Regem illatas.*

Item dictus Dominus Cancellarius, cum Domino Thesaurario, & aliis Dominis in Domum Communem descendebat cum premissis ostensur. &c.

Lord Herbert's
Hist. of H. 8.
fo. 303

33. Anno 21. H. 8. The Lords and Commons sent a Letter to the Pope, touching the *dilatory Proceedings*, in the *Divorce* between the King and Queen *Katherine* before him; in which Letter they declare, *Causa Regiæ Majestatis nostra cujusque propria est, a Capite in Membra derivata, dolor ad omnes, atque injuria ex æquo pertinet, omnes in ejus Majestate compatimur*, in relation to the Safety and Succession of the *Crown*; and that if his *Holiness* would not *determine* the *cause*, or defer it any longer, they plainly tell him that,

Appendix:

Nostri *nobis* curam *relictam*,
& aliunde *nobis* remedia *Nota.*
conquiramus.

And they were as good as their words ; For in the *Parliament*, 25 *H. 8.* an Act passed for declaring the establishment of the Succession of the Kings most Royal Majesty in the Imperial Crown of this Realm, wherein the *Marriage* between the *King* and the *Lady Katherine*, was by authority of *Parliament* definitively, clearly and absolutely, declared, deemed and adjudged to be against the *Laws* of Almighty God, and also to be accepted, reputed and taken of *no* value nor effect, but utterly void and annihilated ; and that the said *Katherine* should be from thenceforth called and reputed, *only Dowager* to Prince *Arthur*, and not *Queen* *Nota.*
of the Realm.

The *Letter* was *Subscribed* and

R 3

Seal.

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Sealed by 2 Archbishops, 2 Dukes, 3 Marquesses, 13 Earls, 4 Bishops, 25 Barons, 22 Abbots.

And Milites & Doctores in Parlamento, the *Knights* and *Doctors* in *Parliament*, of the House of *Commons*, *William Fitzwilliam* being *Speaker*, was the first that signed; And notwithstanding the *Objection* from the *date* thereof, in time of *Prerogation*, it is very probable that it was agreed in *Parliament*, and my *Reasons* are two, besides what appears by the Letter it self.

1. The *Answer* of the *Pope* to the Letter; is directed thus.

L. Herbert, fo.
307.

Venerabilibus fratribus Archiepiscopis & Episcopis, ac dilectis filiis Abbatibus Nobilibusque viris Ducibus, Marchionibus, Comitibus, Baronibus, Militibus, ac Doctoribus Parlamento Regni Angliæ.

2. Re-

Appendix:

2. *Records and Histories* tell us that *Parliaments* have several times sent Letters to the Pope: For Instances.

Vide the ancient Rights of the Comm. of *England* asserted, p. 111.

Anno 29 H. 3. 29 E. 1. 17 E.

Rot. Parl. 17.
E. 3. n. 59, 60.
Rot. Parl. 21.
Es 3. n. 1. 63.

3. Where the last, though agreed to in full Parliament, yet was after Sealed, *Souz les Seales, des Grantz, & totes les Cominaltes, des Citees & Burghes d'Angleterre* So that as yet under submission I am of my Lord Herbert's opinion, *That the Letter or Declaration was by the Parliament.*

34. Anno 28 *Eliz.* Item conventum concordatum & conclusum est quod Rex *Scotia*, quamprimum vicesimum quintum suæ ætatis, annum impleverit quamprimum commode id facere poterit per publicum Regni sui conventum dictum foedus approbabit & confirmabit approbari & confirmari faciet & item Reginalis suæ Majestatis per proceres & alios Regni sui *Angliae & Hibernia*, Status in Parlamento idem

Inter Capita
foederis arctio-
ris amicitiae in-
ter potentissi-
mos principes
Elizabetham
Angliae Re-
ginam, & *Ja-*
cobum ejus no-
minis sextum
Scotorum Re-
gem, 5 *Julii*
1586.
Ex Ms. penes
meipsum.

Appendix:

faciat & præstabit; vel fieri & præstari procurabit. I have seen several Records of Leagues ratified by the *Scotish* Parliament.

Ex Cronico ab
anno 1272.

1 E. 1. ad an-
num 1317. 10.

E. 2. Mf. mihi
ostens. per Tho.

Turner Armig.
nuper defunct.

35 **P**ostquam Rex per spatium
trium Annorum & amplius
in *partibus* transmarinis remansisset & de partibus *Vasconia*, & *Francia* in *Angliam* rediisset valde
anxiatus & *conturbatus* fuit per
quotidianum clamorem tam *Clericorum* quam *Laicorum* petentium ab eo congruum remedium apponi versus justiciarios & alios *Ministros* suos de *multimodis* oppressionibus & gravaminibus *contra* bonas leges & consuetudines Regni illis *factis* super quo *Dominus Edwardus Rex* per *Regale* scriptum *Viccomitibus Anglia* precipit, quod in omnibus comitatibus ciuitatibus & villis *Mercatoriis* publice Proclamari facerent quod omnes qui sese sentirent gravari *venirent* apud *Westmona-*

Anno Domini,
2289. Aunoq;

Regni Regis E.
1. 18.

Certe scimus
quam plurimos
eorum qui Judiciis sub E. 1.
præfuere viros
quidem maximos & ævo in
illò Jurisconsultos celeberrimos

repetundarum & quod lites suas fecerant aliosq; præter *Ministros* forenses aliquot merito damnatos multis exitio ac carcere punitos esse *Seldeni* ad *Fletam* dissertatio p. 548.

steri-

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sterium ad proximum *Parliamentum* & ibi querimonias suas monstrarent ubi tam *Majores* quam *Minores* oportunum remedium & celerem *Justitiam* recuperent sicut *Rex* vinculo Juramenti die Coronationis suæ astrictus fuit ac jam adest *magnus* dies & *Judiciarius* *Justitiorum* & aliorum *Ministorum Consilii* Regis quem nulla tergiversatione nullo munere nulla arte vel ingenio placitandi valent eludi *Coadunatis* itaque *Clero* & *Populo* & in magno *Palatio Westmonasterii* confectis *Archiepiscopis Cantuar.* (vir magnæ pietatis & *Columna* quasi *Sancæ Ecclesiæ* & *Regni*) surrexit in medio & ab alto ducens suspiria. *Noverit Universitatis vestra* (ait) quod convocati sumus de magnis et arduis negotiis *Regni* (heu nimis perturbati & hiis diebus enormiter mutilati) unanimiter fideliter & efficaciter simul cum Domino Rege ad tractandum & ordinandum audivistis etiam universi querimonias

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Vide Fleta cap.
17. p. 18, 19.
Autoritas &
Officium Ordini
narii Concilii
Regis.

monias gravissimas super intol-
rabilibus injuriis & oppressioni-
bus & quotidianis desolationibus
tam *Sanctæ Ecclesiæ* quam Regni
factis per hoc Iniquum Concili-
um Domini Regis contra *Magnas*
Chartas tot toties & multoties
emptas & redemptas concessas &
confirmatas per tot & talia *jura-*
menta Domini Regis nunc & Do-
minorum *Henrici & Johannis* ac
per terribiles fulminationes *Ex-*
communicationis sententiæ in trans-
gressores Communium libertatum
Angliæ quæ in Chartis predictis
continentur corroboratas & cum
spes preconcepta de libertatibus
illis observandis fideliter ab omni-
bus putaretur stabilis & indubita-
ta Rex Consiliis *malorum* mini-
strorum preventus & seductus eas-
dem infringendo contravenire
non formidavit credens decepi-
tive pro munere absolvi à trans-
gressione quod esset manifestum
Regni exterminium *Aliud* etiam
nos omnes angit intrinsecus quod
Ju-

Appendix.

Iustitarii subtiliter ex malicia sua ac per diversa argumenta avaritiæ & intollerabilis superbiæ Regem contra fideles suos multipliciter provocaverunt & incitaverunt, sanoque & salubri Consilio ligeorum Angliæ contrarium reddiderunt Consilia sua vana impudenter preponere & affirmare non erubuerunt seu formidaverunt ac si plus habiles essent ad consulendam & conservandam Rempublicam quam tota universitas Regni in unum collecta; Ita de illis possit vere dici, viri qui turbaverunt terram & concusserunt Regnum sub furo gravitatis totum populum graviter oppresserunt Pretextuq; solummodo exponendi veteres leges novas (non dicam leges) sed malas consuetudines introduxerunt & vomuerunt; Ita quod per ignorantiam nonnullorum ac per partialitatem aliorum qui vel per munera vel per timorem aliquorum Potentum innodati fuerunt nulla fuit stabilitas legum nec alicui

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alicui de populo *Iusticiam* dignabantur exhibere *Opera* eorum sunt opera nequitiae & opus iniquitatis in manibus pedes eorum ad malum currunt & festinant, ac viam recti nescierunt quid dicam? Non est iudicium in gressibus suis.

Quam plurimi liberi homines terræ nostræ fideles Domini Regis quasi viles ultimæ servit conditionis diversis Carceribus sine culpa commiserunt ibidem carcerandi quorum nonnulli in carcere fame mærore & vinculorum pondere defecerunt, extorquerunt pro Arbitrio insuper infinitam pecuniam ab eisdem pro redemptione sua crumenas aliorum ut suas impregnarent tam à divitibus quam pauperibus exhausserunt ratione quorum incurriverunt odium inexorabile & formidabiles imprecationes omnium quasi tale incomunicabile privilegium per cartam detestabilem de non obstante obtinuerunt & perquisiverunt ut a
leg

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lege *Divina* Humanaque (quasi ad libitum) *immunes* essent.

Gravamen insuper solitum adhuc sive aliquo modo sævit omnia sunt venalia si non quasi furtiva proh dolor.

Quid non mortalia pectora cogit auri sacra fames. Ex ore meo contra vos (O impii) tremibunda Cæli decreta iam auditis.

Agnitio vultus vestrorum accusat vos & peccatum vestrum quasi *Sodoma* prædica vultis nec abscondistis væ animæ vestræ væ qui condunt leges & scribentes injustitiam scripserunt ut opprimerent in iudicio pauperes & vim facerent causæ humilium populi ut essent viduæ præda eorum & pupillos diriperent væ qui ædificant domum suam injustitia & cænacula sua non in iudicio, væ qui concupiverunt agros & violenter tulerunt & rapuerunt domos & oppresserunt virum & domum ejus imò virum & Hæreditatem suam væ Judices qui sicut Lupi vespere
non

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non relinquebant ossa in mane
Justus Judex adducit Consiliarios
in stultum finem & Judices in stu-
porem.

Mox ala voce justum judicium
terræ recipietis.

Vide Mar. *West.*

An. 1289. p.

376. l. 13.

His auditis omnium aures tinni-
ebant totaque *Communitas* inge-
muerunt dicentes heu nobis heu
*ubi est Angliæ toties emptæ toties
concessa toties scripta toties jurata
Libertas.*

Anno vero

1290. (18 E.1)

deprehenfis

omnibus *Angliæ*

Justiciariis de

repetundis (pre-

ter Jo. de Me-

tingham & Eli-

am de Becking-

ham quos hono-

ris ergo nomi-

natos volui) ju-

dicio *Parlia-*

menti vindica-

tum est in alios

atq; alios carcere,

exilio & fortunarum omnium dispendio, in

singulos multa

part 1. fo. 416,

Alii de Criminalibus sese à vi-
sibus populi subtrahentes in locis
secretis cum amicis tacites latita-
verunt alios protulerunt in medi-
um unde merito fore omnes ab
officiis suis depositi & amoti unus
a terra exulatus alii perperuis pri-
sonis incarcerati alique gravibus
pecuniarum solutionibus juste ad-
judicati fuerunt.

gravissima & amissione officii, *Spelm. Gloss.*

L E Roi a touz ceux q̄ cestes
lettres verrount ou errount,
saluz. Sachez q̄ come en les
choses parrees, tretees, & accordees
& affermees entre nous & nostre
tresch foial & Cosyn Sir Edward
per la grace de Dieu Roi Descocce,
tuschauntes nous & Lestate de
nostre Roialme Dengleterre, & le
dit Roi Descocce, son Estat, & Lestat
de son Roialme Descocce, Le dit
Roi Descocce, par assent des Pre-
lates, Countes, Barons, Chivalers, &
autres de son dit Roialme Descocce,
eit reconuz & grauntez q̄ le dic
Roialme Descocce, & les Isles ap-
purtenances a p cele sont devient
& tut temps passe soleient estre
tenus des Rois Dengleterre, p ho-
mage lige & foialte.

*Pro Rege Angl.
de diversis con-
cessionibus ei
per Regem Sco-
tie factis, Anno
8 E. 3. m. 29.
Rot. Scotia.*

*The Parliament
of Scotland.*

Et auxint eit reconuz & graun-
tez dentrer en nostre homage a
lige & fopolte come Souverain
Seigneur des ditz Roialme Des-
cocce & Isles. Et auxint eit obligez
lui, ses Heirs & Successeurs, de
faire a nous & a noz heirs hoze
de nostre Roialme Dengleterre, &
de noz terres de Gales & Dirland,
come en Gascoigne & aillours, ou
nous

Appendix.

nous & a uoz heirs oberoms terres ou clameroms droit ou autres nous voudront empescher par force sur noz terres, ou sur possession ou droit q nous clamerons certains serbices. Cestassavoir le Roi Descoce p tote sa vie, p le garnissement de sps mops les serbices de deux centz homes darmes p un an a ses Custages & Dispens, & p ses heirs & successors, p au tiel garnissement les serbices de cent homes darmes a leur Custages & Dispens p un an. Et si lui, ses heirs ou ses successors garniz p nous & p noz heirs en la maniere avantdite, de faire les ditz serbices faussissent de faire & parfaire mesmes les serbices, le dit Roi Descoce eit obligez lui, ses heirs & ses successors, en deux centz mille livres Desterlinges, a paier a nous & a noz heirs. Et aurint eit grauntez p lui, ses heirs & ses successors, q sils faussissent de faire & parfaire les ditz serbices ; & le dit Roi Descoce ses heirs & ses successors, feussent requis p nous ou p noz heirs de paier le deux centz mille livres, q apres l'espace de trois mops a
totes

Appendix.

totes les foitz, & apres ceo q le
dit Roi Descoco, ses heirs ou ses
successors, fuissent issint requis p
nous & noz heirs, & ils faussent
de faire le dit paiement, que nous
& noz heirs peussions franchement, &
sanz countredit du dit Roi Descoco,
ses heirs ou ses successors, entrer le
dit Roialme Descoco & totes les Ci-
toes, Villes, Chasteux, Manoirs, terres
& tenemens de le dit Roi Descoco, tenir
& gouverner per noz gentz, & totes
manieres des issues & profits ent sur-
dantz lever, cuiller & tenir a nostre
oeps, & al oeps de noz heirs, &
tanq nous soiums paiez des ditz deux
centz mille livres pleinement.

Et austre ceo le dit Roi Descoco
eit obligez lui, ses heirs & ses
successors, de assigner, doner &
faire liberer a nous deux mille
de terre, eit done, graunte & as-
signe a nous le Chastell, la Ville,
& la Counte de Berewyk, a la va-
lue q serra trobe p extent a faire
en la maniere avantdite, & ceo q
landra des dites deux mille livres
de terre, il serra assigner & libe-
rer a nous en lieux cobenables
& greables a nous sur la Marche
Descoco, & joignautes a nostre
S Roialme

Appendix.

Roiame Dengleterre, a avoir & tenir les ditz Chastell, Ville & Countee, & les autres terres q le dit Roi nous assignera a nous & a nos heirs, come annexes a nostre Roiale dignite, & a nostre Roiame Dengleterre, & suertees del Roiale dignite, & de la Couronne Descocce, a touz jours come plus pleinement est contenuz en les lettres patentes de le dit Roi Descocce de ceo faites.

Nota.

Et auxint le dit Roi Descocce, par ses autres lettres patentes, pur autres certains causes notes en peeles de mesme lassent, eit graunte & oblige lui & ses heirs, a nous & a nos heirs, de venir en persone od tot son poair, & a ses Custages & Despens, ad nostre corps & ad les corps de nos heirs en nostre Roiame Dengleterre, & en nos terres de Gales & Dirlande avantditz, en eid de nous & de nos heirs, cointre toutz ceuz q voudront guerrier nous & nos heirs, ou par force nos soitz empescher es ditz Roiame & terres a totes les foitz q le dit Roi Descocce ou ses heirs serrount requis par nous & nos heirs del garnissement

Appendix.

ment de svs mops, sicom e en dites lettres plus pleinement est contenuz.

Nous voillauntz oustier les enchesons dount debatiz guerres ou contees pourrout sourdre en temps avenir entre nous & noz heirs, & le dit Roi Descocce & ses heirs, & purvœr totes les choses p queles pès & amour soient nurriz & meintenuz entre nous, & a noz heirs & noz souzmys dune part, & le dit Roi Descocce & ses heirs & ses souzmys dautre part, a touz jours par assent des Prelatz, Countes & Barons, & la Communalte de nostre Roialme, assemblez a nostre Parlement somons a Everwyk le Tundy pprochein avant la feste de Saint Pierre en Cathedra, l'an de grace selonc le cours del Eglise de Rome mille trescentz trentisme quart, & de nostre regne optisme, grauntoms, releffoms & quiteclamons, pur nous & pur noz heirs, au dit Roi Descocce & a ses heirs, tot le cleyrn & le droit q nous aviums ou avoms en le demeigne de tut le remenant de ditz Roialme Descocce & Illes, outre les terres & choses a nous

These Agreements Ratified by the Parliam. of England.

Appendix.

nous grauntés & liberées, & a
liberer.

Et voloms & grantoms pur
nous & pur noz heirs, qz le dit
Roi Descocce eit & tiegne le de-
meigne de tut le remenaunt des
ditz Roialme Descocce & Isles, come
susestdit a lui & ses heirs, enti-
erement sanz autre subjection a
nous ou a noz heirs, pur mesme
le demeigne de tut le remenaunt
de Roialme Descocce & des Isles come
dessus est dit.

Horpris & sauve a nous & a noz
heirs, totes les choses grauntees a
nous & a noz heirs par le dit Roi
Descocce, selonc le purport des let-
tres patentes le dit Roi Descocce
a nous faites. Et eu tesmoignante
de quele chose a cestes noz lettres
patentes avoms fait mettre no-
stre Graunt Seal. Don a Everwyk
eu nostre dit Parlement, le premier
jour de Marcz, l'an de grace & de
nostre regne susdit.

Rot. Parl. 7. R.
2. n. 2 Pronuoci-
atio Parliamen.

37. **A** Quel Lendemain qz fust
Hardy, vindrent en Par-
lement sibien les Prelatz,
Seigneurs Temporels, come les
Justices & autres du Conseil
nostre

Appendix:

nostre dit Seigneur le Roi, en le
Chambre de peinte a Westm. en
presence du Roi mesme appellaz
la eyns les Chivaleers des Coun-
tees, les Barons des Cinque Ports,
Citizens des Cities, & Burghes des
Burghs p leur nosms, sicome les
Viscounts leur avoient fait retour-
ner, Moun^r Michael de la Poole
Chivaler, Chancellor d'Angleterre,
p Commandment nostre Seig-
neur le Roi, avoit les parols de la
pronunciation des causes de la sum-
monce de cest present Parlement.

J dist vous Messieurs Prelatz &
Seigneurs Temporels, & vous
mes Compaignons les Chivaleers, &
autres de la Noble Comune d'An-
gleterre cy presentz, deviez enten-
dre q combien q je ne soie dignes
mes insufficent de sce & de tout
autre bien tous voies pleust a
nostre Seigneur le Roi, n'ad-
gairs de moy trer en son Chan-
celler, & sur ces ore moy ad com-
mandez qu'ore en vos honorables
presences, q vous doie deper sup
exposer les causes de la summonce
de son present Parlement, & p tant
purra clearment apparoir q il
hant busoigne come ces est de
S 3 par:

Appendix.

Parler si chargeant matiere de-
vant tous & tiels si Nobles & Sa-
ges persones que vous estes, ne fer-
roit mpe p presumption ou sur-
quindzere de moy mesmes einz
solement p deux enchesons reaso-
nables.

L'une est, q longement & com-
munement ad estre accustume
deins mesme le Roialme, q les
Chancellers d'Angleterre devant
moy si ouut faitz chescun en son
temps pronunciation deper le Roy
de semblablez Parlements devant
oye tenuz, & ne verroie si pleust a
Dieu q en mon temps defaute n
fust trobez en ma persone ne ar-
rerisement de le stat de mon dit
Office, si avant come je le pur-
roie maintenir en tout bien &
honneur.

La seconde est, p quoy je as-
sume de present si grant charge
sur moy devant tous les autres
Sages cy presentz, car le Roy no-
stre Seigneur Liege icy present
n'ad commander del faire q no-
stre laut a son force en ce, & en
tous autres les Commande-
ments tourner au profit de luy &
de son Roialme.

Au

Appendix.

Au Tierce & instant ne feroit cest chargeant busoigne en aucun manier si non constreint p reson du mon Office, & commandement de mon Seigneur Liege come dit est.

Et Seigneurs & Sires, la principal & premier cause p q nostre dit Seigneur le Roy ad fait summondre son present Parlement, q touche le Roialme Descoce, si est expresse & contenue en les Bziefs a vous faitz, de mesme la summonce le quel est tiel : Nostre Seigneur le Roy apperceivant coment les graunts triebes jadyz prizez perentree les Roiaumes Dengleterre & Descoce, si donient p la forme dicelles finir & failer a cest prochain feste de la Purification nostre Dame prochain venant. Et pur tant que home my feust desgarnir en celle partie al dit fyn des triebes pleauist a nostre dit Seigneur le Roy, denvoir a la Marche Descoce le puissant & noble Seigneur son treschier Uncle Depaigne Duc de Lancaster cy present, avec autres Seigneurs & Sages du Conseil le Roy, pur assaier & raster si leu purroit honorablement avoir la paix avecq

Appendix.

Les Escotes, ou autrement Prorogation dicelles triens pur un temps notable. Et si feurent ils en dite Marche Descocce, & ont avoient parlance & treté avec mesmes les Escortz, & finalement ont reportez a nostre dit Seigneur le Roy relation & lettres del Adversaire Descocce, contenant qu'il envoirer oit suffisantes personnes de son Roialme, avec poiar & autoritee suffisant de per luy a Londres, pur y treté de mesme la matiere & celle report fait a nostre dit Seigneur le Roy, pur ce qd voirs est que plusieurs, de vous estes inheritez des plusieurs Terres & Seigneuries deins le Roialme d'Angleterre, appartenant; a les Escortz d'ancienneté, & auriez eu challenge plusieurs terres & tenemens deins le Roialme Descocce dont les Escortz sont aurint de present inheritez. Et si par se ferroit perentree les Roialmes avendront ensi pur ce que plusieurs Translations des droitz a ycelles Terres & Seigneuries d'ambes parties, serroient faitz ou y cas mesmes les droitz serroient surrendez de ceo & y celle cause & autres matieres

Nota.

Appendix.

tieres plusors incidente que ne
veignent ore a memoire, mais
pur especiall pur tant que le
Roialme Descoce, si est tielment
annexee d'auncientee a la Corone
d'Angleterre, luy quel de temps
Bruyt primer inhabiter d'pelles
Roialmes, le Roialme Descoce
avantdit. Et le Roy d'pelle pur
le temps esteant aient este conti-
nualment subjugatz & attendantz
au Roy & al Roialme d'Angleterre,
on en possession, ou en challenge,
sembloit de veritee que home ne
poit sur tiel haute & echargeante
matiere finalment. Treter & accor-
der aillours que en Parlement, ou
si Paix ou Crieves ne se p pntro-
ent prendre uncozes la remedy
pur defendre estre purvenir eu
Parlement, & eins si nule autre
matiere eulx daboier Parlement
si est ce que ad dit une grant
cause.

Nota.

Une autre cause p ad p que le
Roy nostre Seigneur ad fait sum-
moudre cest son Parlement, est tiel,
si eins avenist que Paix ou
Crieves ne se preignent point en
Escoce, adonques la plus peri-
leuse guerre que nous pourroi-
ons

Appendix.

ons avoir si est tantost overt dont
est molt grandement a doubter p
tout fair p temps bone purbe-
ance en contre lour grant Oz-
goill fauribe & force aiant confi-
deration comment ils purront
chescun jour entré nre Roialme
a terre Serke, sans impediment
de la Mer, ou de Calve fresh,
mes encozes non pas seulement
de fair purbeiance encoutré les
ditz Escotes, eius d'autres partz
envers trois de pluis grandes
Roialmes & Pais de Christianity,
cest a dire Franco, Espagne. Et oze
de novell accew le Payes de Flan-
dres, avec touz jons Adherents
& Alliez, qui sont come innu-
merables mortelx enempes a cest
Petit Roialme d'Angleterre, que
Dieu salve, touz partz environnez
p terre & p mere envers quer, si
Dieu de sa grace ny mettre reme-
dy, & home de la party ne face
ceo que en luy est de purbeyance
en resistance de louz malice vrai-
semblable est que le greinder mis-
cheise est hastivement a venir q
Dieu ne veule a cest petit Roialme
que unques mes ny abeuist. Et
pur ceo que mischeise semble pur
les

Appendix:

les dits causes si dure & si pro-
schein si est droit que home se hast
le plus tost pur ordeiner de bone
& effectuell remedy queist princi-
palmement apres la grace de Dieu
d'avoire de quoy home purra ve-
nir a les dispenses que leu pfont
mettre que comenca fyn force ve-
nir de la Comune defens demande
Comune charge, voirs est & cer-
taine que trois des plus riches
Rois Chrestiengs ne purroient en-
durer les charges de tantz &
tiels guerres sans l'aide de leur
Comune. Et pur tant l'eu faut
ordiner coment defendre. Et de
quoy l'en avera dispenses neces-
saires. Et quant a defens faire
en cell partie salvis meillour advis.
Il doit apparoir a chescom
Sage que nostre Defens si est d'as-
sailer les Enempez per de hors
nostre Roialme, car tiel assaut le
semble estre reasonable, profita-
ble & honorable primerment si
est nostre assaut reasonable p En-
cheson que Nos sumes Maours,
Demandours, & Challengers
ou Appellours. Et reson voet, q
le demandent & challengour as-
saille le defendour. Et non pas
c

Appendix.

e'converso. Secondement, nostre assaut est profitable, car si nous attendismes leur assaut deins nostre Roialme l'assemblée & chibachée de nostre host envers leur host serroit a nostre Roialm, l'un & l'autre est esteant en prel a tant de Damage come serroit lost des Enemies horspris prise de prisoners & arsure des villes & maisons sicome vous Messers & Sires avez mesmes vénérez estre fait des patties, deper dela & mieultz est & plus profitable q' nostre ost soit sustenez per les vitailles & Biens des Enemys q' de nos Biens propres: Tiercement, il est plus honorable d'assailier q' Defender, car communement les Cowards n'assailant mpe. Et p' eschuer les mischeifes de loz assaut d'un part ala vilinie q' nous aurions si nous q' sumes Demandours & Challengours come dit est p' Defaute del poursuite de nostre droit q' nous avons comencez devant ore feusons appelez maintenant ou tenuz d'autres nos veismes q' Dieu ne veuille p' Cowards si avant come nous purres eschiur l'eration p' quel
riel

Appendix.

tiel non enporterious car il nous
faut faire un pes deux choses ou
de poursuivre nostre droit p fort
main & assaut ou de lesser houn-
teusement. Et Seigneurs & Sires
toutes voies vous ne Durez mpe
aretter sur la persone du Roy no-
stre Seigneur q cestes importa-
bles charges de les guerres a-
vautditz soient p luy introduitz,
ou p singuleritie de luy comencez
deuant son temps combien sa-
chez & Muri avant la honorable
Corone d'Angleterre luy est descen-
duz p Succession de droit heri-
tage auxp avant luy ont eschui-
z avec l'honneur & profit de la Co-
rone les chargeantz guerres &
Querrelles dycelles d'abant son
temps comencez come dit est.

Item une autre cause de la
Somons de cest Parliament est
tiel Cestassavoir D'ordeigner q
salve gard de la Paix deins le
Royalme & l'Obeissance due a no-
stre Seignour le Roy de tous les
Subiects soit mieltz faitz & gar-
dez q ce n'adestre fait deuant
cest heure, car le disobeissance &
Rebellion q home ad fait deuant
ore & q sont continuez de jour en
autre

Appendix.

autre enbers les Petits Mini-
sters du Roy, come Discountz, Es-
cheatours & les Coillours de les
Subsidies & autres tielz esto-
ent sours & cause pꝛincipale del
Traiturous Insurreaion n'ad-
gairs fait p la Comen Dengleterre
deins mesme le Roialme la quel
pꝛimerment estoit rebellion as
dits petitz Ministers, & puis as
grantes Officers del Roialme &
al drain au Roy mesmes combi-
en les avez. Et si avant come
Rebellion si estoit & est le sours &
comencement de mischeif & Trou-
boil deins le Roialme si est arre-
main verroie obeizance au Roy &
ses Ministers foudement de tut
paix & quiete en mesme le Roi-
alme sicome clearmement appiert p
l'Obeizance qꝫ les Gentiles fierent
au Roy en dit insurreaion & p
cest causes devant ditz. Et p pur-
veyances des remedies besoigna-
bles en celle partie & auxint p
Ordinance faire p le salve gard
des Terres & Seigniories nostre dit
Seigniour le Roy cybien de ceo
come de la, & p Remedy fair &
purvoier a tous les leiges le
Roy en ceo Parlement s'ils ou
ascun

Appendix.

ascun dieux lour vorront com-
plendre de chose q ne poit estre
remediez forsque en Parlement ad
nostre dit Seigneur le Roy fait
sumondre ce present Parlement. Et
il ad auxint ordeignez certains
Prelatz, Seigneurs & Justices,
Triours, & certain Clerks de la
Chancellerie Receivours des Pe-
titions come vorra bailer avant
en ceo Parlement p manniere come
errez lire p le Cleric. de Parlement
en escript q sensuit de mot a
mot.

Note

*Resceivours des Petitions Dengle-
terre, Ireland, Gales, & Escoce.*

Sire John de Waltham.

Sire Richard Ravenfer.

Sire Thomas Newenham.

Sire John de Freton.

*Resceivours des Petitions de Gas-
coigne, & d'autres Terres &
Pais deper de la.*

Sire Piers de Barton.

Sire John Bouland.

Sire Robert Muskhams.

Sire John Scarle.

Et

Appendix.

Et ceux que veulent bailler
tours Billes les baillent avant
p'entrecy, & la feste de Couseintz
prochein venantz pcell mesme
jour accompte.

Et sont assigner Triours des
Petitions Dengleterre, Irlande,
Gales, & Escocce.

*Le Roy de Castill, de Leon, Duc
de Lancafter.*

L'Archevesque de Canterbrie.

L'Evesque de Londres.

L'Evesque de Wyncestre.

L'Evesque de Elye.

L'Evesque de Salisbrie.

*L'Abbe de Saint Augustine de
Canterbrie.*

L'Abbe de Waltham.

*Le Count de Kent, Marshall Den-
gleterre.*

Le Count de Arundell.

Le Count de Warr.

Le Count de Northumbr.

Le Seigneur de Nevill.

Mouns. Richard de Scroope.

Mouns. Guy de Bryen.

Mouns. Robert Trisilian.

Mouns. Robert Belknapp.

Toutz

Appendix.

Toutz ensemble ou 6 des Prelatz & Seignioz avantditz au meins appelez a eur Chancel-
ler, Treasurer, Seneschal & Chamberleyn & au les Ser-
geantz nostre Seignioz le Roy,
quant il busoignera & tendront
leur place en le Chambre de Cham-
berleyn apres de la Chambre de
Peint.

Et sont assignez Criours des
Petitions de Galcoigne, & d'au-
tres Terres & Pais de la mere
& les Isles.

L'Evesque de Nichole.

L'Evesque de Norwiz.

L'Evesque de St. David.

L'Evesque de Excestre.

L'Evesque de Hereford.

L'Abbe de Westm.

L'Abbe de Glastingbrie.

Le Count de Cantebry.

Le Count de Buck. Conestable Den-
gleterre.

Le Count de Stafford.

Le Count de Salisbrie.

Le Seignior Fitzwater.

T

Le

Appendix.

*Le Prior de St. Johan Jerusalem
en Engleterre.*

Mounf. Johan de Cobham de Kent.

Mounf. William Skipwith.

Mounf. Roger Fulthorp.

Mounf. David Hannemer.

Touz ensemble ou quatre des
Prelatz & Seigniors avantditz,
appellez a eue Chancellor, Treas-
surer, Seneschall, Chamberleyn,
& les Serjeants le Roy, quant
il vusloignera, & tendront leur
place en la Chambre Marcolf.

Et la dite Cedula lue en dite
Parlement mesme le Chancellor par-
last autrefoitz. Et dit Seigniors &
Sires cy presentz, qui aues la sum-
monce de cest Parlement, le Roy
vous comande sur le paine qu'ap-
peint, q' aiantz due consideration
a les necessaires matieres a vous
oze monstrez, & a les importa-
bles mischeises apparantz, & au-
int a la grant necessitee que le Roy
ad oze de thresor, & d'avoir pur
remedier pcelles mischeises qu'eue
sans grant fuison d'avoir ne
poent jamais estre remediez
vous Messieurs les Prelatz &
Sei-

Nota.

Appendix

Seigniors Temporels, per vous
mesmes & vous Seigniors de la
Comune, per vos mesmes veul-
liez Comuner diligeaument sur cest
matieres, & des remedyes buisoig-
nables a tout le haste que vous
purrez oustant de tout le Com-
munement d'autre matire colla-
terale quelconque en le moien
temps, & vos advisent pris re-
porter de temps en temps au
Roy nostre Seigneur, ou l'un qz
les matieres necessaires touches
& a toucherez soient a bone deli-
beration Examinez, Tretez & Exploi-
tez, & toute autre impertinent
matire mys a derere p le temps.
Et le Parlement p tant mys a
gratiouse & bone fine, que Dieu
grant. Et le Roy vous comande
trestouz, que vous retournez de
jour en autre pur treter & faire
ce p quoy vous estes venuz, dont
vous avez maintenant vostre
charge sans departir de cest Par-
lement p voie quelconqz si eins ne
soit que vous ent averez especialle
congie de nostre dit Seignior le
Roy, sur le perill avantdit.

Item fait a remembzer, que les
Seigniors & Comunies en cest Par-
lement

Appendi 3.

lement assemblez, considerez les
 outrageuses charges que nostre
 Seignior le Roy port parmy les
 guerres oberes de toutes partz,
 & autrement grantent a nostre
 dit Seignior le Roy une quinzisme
 avoie & recevoir de luy p les
 forme & conditions en tous
 points comprise en un Cedule sur
 ce fait endonte & libere avant
 en Parlement par mesmes les
 Comunes, & nemye en autre ma-
 niere par voie quelconque, & pria
 la dite Comune p espectralle a no-
 stre dit Seigneur le Roy, que la
 dite Cedule quele ils ont fait
 come celle que pleinaient conti-
 ent la maniere de leur grant
 dont mesme la Comune p fist
 plein declaration p bouche de
 vant nostre dit Seignior le Roy
 en plein Parlement, & fust entree
 en Rolle de Parlement de mot a
 mot, & en null autre maniere p
 aucun vote que le request leur e-
 stoit ordonnez de quel Cedule tant
 levere le tenure fust de mot
 a mot.

Appendix.

38. Anno 28 E. 1. A Truce being concluded between the English and French, by King Edward's Ambassadors, who therein had dishonourably agreed to include the Scots; the Ambassadors, at the ensuing Parliament, were sharply rebuked and corrected, not only by the King himself, the Prelates, and Nobles, but by the Commons; But to take away exceptions, let the Record speak.

Anno 28 E. 1.
A Truce between England and France.

Treugæ inita inter Angliæ & Franciæ Reges per eorum procuratores & Nuncios, Anno gratiæ 1031. pro quibus dicti Nuncii Regis Angliæ Reprehensi fuerunt non solum per ipsum Regem & Prælatos & Nobiles, sed etiam Communitatem Regni prædicti; pro eo quod promiserunt Regem & Gentes Scotiæ includi in Treugis ex parte Francorum Regis, ex parte confederationis prius inita inter Francorum & Scotorum Reges prædictos.

Ex Rot 29 E. 1
in Turri London.

The Kings, Lords, and Commons, reprehend the Ambassadors.

Appendix:

De Treuga per
Regem Angliæ
illis de Franc.
concessa.
Rot. Pat. 12 E.
3. pars 1. m.
24.

39. Anno 12 E. 2, A War be-
ing between England and
France, the Pope sent two Cardi-
nals to conclude a Truce between
the two Crowns; Whereupon
King Edward declares, *Nos pro eo
quod Prælati & Proceribus ac
Magnatibus Regni nostri necnon
Confederatis nostris quorum inte-
rest inconsultis dicte Treugæ tunc
assentire non poteramus Parlia-
mentum nostrum apud westmonast.
in Crastino purificationis beate
Mariæ Virginis ultimo preterito
mandaverimus convocari ut tam ip-
sorum Prælatorum & Procerum,
ac Communitatum dicti Regni no-
stri quam Confederatorum nostro-
rum prædictorum habere possemus
deliberationem quid agendum fo-
ret consultius in hac parte, &c.*
And afterwards, the Record
says,

Nota.

Nota.

*Nos habita in dicto Parlamento
cum Prælati & Proceribus ac
Communitatibus Regni nostri præ-
dictis necnon cum Nunciis ad nos
de*

Appendix.

de dictis confederatis nostris accedentibus super hiis deliberatione pleniori licet consideratis qualitate temporis & jam currentis & facti circumstantiis nobis & ipsis visum fuerit periculosum fore multipliciter & dampnosum aliquam cessationem seu dilationem ulterius concedere, &c.

Had we had left us the Parliament Rolls of *H. 3. E. 1. E. 2.* and some in *E. 3.* which are destroyed or lost, Truth (to which all owe a submission) would have more plainly appear'd.

A QUERE touching the Parliament of Scotland.

WHat the Constituent parts of the *Commune Consilium* or Parliament of *Scotland*, was in the time of our King *E. 1.* near 400 years since, (and why not the same before) is (amongst other Authorities) proved as I conceive by a grand *Record*

Rot. de Anno
29 E. 1. in Tur.
London.

Appendix.

in the Tower of London, which declares that the League between the Scotch and French, was ratified and confirmed.

Inter ipsum Francorum Regem ex una parte & dictum Dominum Johannem de Balliolo ac Prelatos & Nobiles ac Universitates & Communitates Civitatum & Villarum dicti Regni Scotiæ pro ipsis & eorum Heredibus & Successoribus ex altera. Et etiam ad includendum dictum Dominum Johannem & ceteros omnes terræ Scotiæ predictos in Treugis inter dictos Angliæ & Franciæ Reges initis pro ipsis & eorum Heredibus subditis & confederatis ad fines infra-scriptos.

A Query may arise from this Record, If the Tenants *in capite* only, compounded and made the Parliament of that Kingdom in former Ages, as some hold. The Query is this.

The Query.

Whether all Prelates, Noblemen, Universities and Communit-
ties

Appendix.

ties of Cities and Towns of *Scotland*, held of the *Scottish King in capite*, *Tempore E. 1.*

For if they held of any other, or of him otherwise then *in capite*,

How could the Tenants *in capite* be the only Members of the *Parliament*, according to the exact Enumeration of the constituent Parts mentioned and set down in this great *Record*, which tells us, that the *League* was made

1. On the one part between the *King of France*;

2. On the other part between,

1. *John Balliol*, who was then *King*,

2. The Prelates,

3. The Nobles,

4. The Universities and Communities of the Cities and Towns of the Kingdom of *Scotland*,

5. And that for *themselves*,

6. And for their Heirs and Successors.

Nobilitas est duplex, Superior & inferior. Co. 2. Inst. fo. 583. Nobiles minores sunt Equites sive Milites, & qui vulgo generosi & Gentlemen dicuntur. Camden Brit. f. 123.

The

Appendix.

The late proceedings touching
Ship-money declared unlawful,
and all Records and Proceſſes con-
cerning the ſame made void.

An. 17 Car. 1.
cap. 14.
Pultons Stat.

Whereas divers Writs of late
time, iſſued under the Great
Seal of England, common-
ly called Ship-writs, for the charging
of the Ports, Towns, Cities, Bo-
roughs and Counties of this Realm,
reſpectively, to provide and furniſh cer-
tain Ships for His Maſeſties Service.
And whereas upon the Execution of
the ſame Writs, and returns of Cer-
tioraries thereupon made, and the ſen-
ding of the ſame by Mittimus into the
Court of Exchequer, Proceſſes hath been
thence made againſt ſundry Perſons
pretended to be charged by way of
Contribution, for the making up of
certain Sums aſſeſſed for the providing
of the ſaid Ships; And in eſpecial, in
Eaſter-Term, in the thirteenth Year
of the Reign of our Sovereign Lord
the King that now is, a Writ of Scire
facias was awarded out of the Court
of Exchequer, to the then Sheriff
of Buckinghamſhire, againſt John
Hampton

Appendix.

Hampden Esq; to appear, and shew
cause why he would not be charged
with a certain Sum so assessed upon
him.

Upon whose Appearance and demur-
er to the Proceedings therein, the Barons
of the Exchequer adjourned the same
Case in the Exchequer-Chamber, where
it was solemnly argued divers days, and
at length it was there agreed, by the
greater part of all Justices of the
Courts of Kings-Bench and Common-
Pleas, and of the Barons of the Ex-
chequer, there assembled, that the
said John Hampden should be charged
with the said Sum, so aforesaid assessed
on him. The main grounds and rea-
sons of the said Justices and Barons so
agreed, being,

That when the good and safety of *Rex Angliæ*
the Kingdom in general is concern'd *neque per se*
and the whole Kingdom in danger *aut Ministros*
suos subsidia
aut alia quævis onera imponit ligens suis sine assensu totius Regni
sui in Parlamento suo expresso. Fortescue de laudibus Legum
Angliæ, cap. 36. pag. 84. Philip de Commynes, lib. 5. cap. 18.
(of the Cabal, or most secret Councils to two French Kings, and
a man living about a Century and half ago) tells us, *Nul Roy ne*
Seigneur sur terre ait pouvoir de mettre un denier sur les Sujets
sans ottoie & consentement de ceux qui doivent payer sinon par
Tyranne ou Violence. No King or Potentate upon Earth (saith
he) hath power to levy one penny upon the poor Subject without
consent and permission, unless by down-right Tyranny and Ra-
pinc.

then

Appendix.

then the King might by writ under the Great Seal of England, command all the Subjects of this his Kingdom, at their charge to provide and furnish such manner of Ships with Men, Victuals and Munition and for such time as the King should think fit, for the defence and safe-guard of the Kingdom from such Danger and Peril; and that by Law the King might compel the doing thereof, in case of refusal or refractoriness; and that the King is the sole Judge both of the Danger, and when and how the same is to be prevented and avoided.

According to which grounds and reasons, all the Justices of Kings-bench and Common-Pleas, and the said Barons of the Exchequer, having been formerly consulted with, by His Majesties Command, had set their hands to an extrajudicial Opinion, expressed to the same purpose, which Opinion, with their Names thereunto, was also by His Majesties Command, inrolled in the Courts of Chancery, Kings-Bench, Common-Pleas and Exchequer, and likewise entered among the Remembrances of the Court of Star-Chamber; And according to the said agreement of the said Justices and Barons

Appendix:

rons Judgment was given by the Barons of the Exchequer, That the said John Hampden should be charged with the said Sum so assessed on him; And whereas some other Actions and Proceedings depend, and have depended in the said Court of Exchequer, and in some of the other Courts against other persons, for the like kind of Charge grounded upon the said Writs commonly called Ship-Writs, All which Writs and Proceedings as aforesaid, were utterly against the Law of the Land.

Nota.

Be it therefore Declared and Enacted by the Kings most Excellent Majesty and the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That the said Charge imposed upon the Subjects, for the providing of Ships, commonly

John Bodin in his Book de Republica, l. i. cap. 8. de jure Magistratus, fol. 96.

A famous Lawyer and Statesman of the

French Nation, who after he had informed his Reader, that the English are not chargeable by their Princes with Impositions, but by consent of their three Estates, presently adds *Ego vero ceteris Regibus non plus in eo genere quam Regibus Anglorum licere puto, cum nemo sit tam improbus Tyrannus, qui aliena bona deripere sibi fas esse putet.* For my part (saith he) it is my Judgment, that no other Prince whatsoever, may lawfully do any more in this kind than the King of England may, seeing there can be no Tyrant so wicked or impudent as to think, he may justly take away another mans Goods from him, without his free leave and good will.

called

Appendix:

called Ship-meony, and the said extra-judicial Opinion of the said Justices and Barons, and the said Writs, and every of them, and the said Agreement or Opinion of the greater part of the said Justices and Barons, and the said Judgment given against the said *John Hampden*, were, and are contrary to, and against the Laws and Statutes of this Realm, the right of Properey, the Liberty of the Subjects, former Resolutions in Parliament, and the Petition of Right made in the the third year of the Reign of His Majesty that now is.

And it is further Declared and Enacted by the Authority aforesaid, That all and every the particulars prayed or desired in the said Petition of Right, shall from henceforth be put in Execution accordingly, and shall be firmly and strictly holden and observed, as in the same Petition they are prayed and expressed; And that all and every the Records and Remembrances of all and every the Judgments, Inrollments, Entry and Proceedings as aforesaid, and every the Proceedings whatsoever upon, or by pretext or colour of any of the said Writs, commonly called Ship-Writs, and all and every the Dependents on any of them, shall be deemed

Appendix.

decueed and adjudged, to all Intent,
Constructions and Purposes, to be ut-
terly void and disannulled, and that all
and every the said Judgment, Inroll-
ments, Entries, Proceedings and De-
pendents of what kind soever, shall be
vacated and cancelled, in such Manner
and Form as Records use to be that are
vacated.

FINIS.

Ex. 6026

By reason of the hast and throng of
the Press, the *Reader* is desired to
correct those

Errata in the Book.

pa. 85. ommons r. *Commons*, pa. 119:
in Mar. for *Witnesses* r. *Members*,
pa. 137. for §. 4 r. §. 5: p. 185. in
Mar. for *Sir Cooke* r. *Sir Edward
Cooke*.

Errata in the Appendix.

pa. 3. l. 19. proditoria r. *proditorie*,
n. 29. in Mar. H 5 r. *H 6*. n. 35. the
next p. l. 15. Archeipis r. *Archiepo*,
l. 19. Universitatis r. *Universitas*, p.
29. l. 4. for *sive* r. *sine*, l. 13. prædi-
ca vists r. *predicavists*. p. 30. l. 15.
tacites r. *tacite*.

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The Ancient Right of the Commons
of England Asserted, or, A Discourse
proving by Records and the best Histo-
rians, that the Commons of England
were ever an Essential Part of Parlia-
ment.

By William Petyt of the Inner-
Temple, Esq;

JANI ANGLORUM Facies
Nova. Or, Several Monuments of An-
tiquity touching the Great Councils of
the Kingdom, and the Court of Kings
immediate Tenants and Officers from
the first of William the first, to the for-
ty-ninth of Henry the Third, Reviv'd
and Clear'd.

Wherein, The Sense of the Common-
Council of the Kingdom mentioned in
King John's Charter; and of the
Laws Ecclesiastical, or Civil, concer-
ning Clergy-men's Voting in Capital
Cases is submitted to the Judgment of
the Learned.

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